

STATE OF TENNESSEE
TENNESSEE EMERGENCY COMMUNICATIONS BOARD
DEPARTMENT OF COMMERCE AND INSURANCE

BOARD MEETING

March 12, 2004

Volume I of II

Cannon & Stacy
Court Reporters
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1 APPEARANCES:

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3 Members Present: Mr. Randy Porter, Chair
4 Ms. Wanda Moody
5 Mr. Charles Bilbrey
6 Mr. Ike Lowry
7 Mr. Freddie Rich
8 Ms. Shelby Sheffield, Esq.
9 Mr. Johnny Vickers
10 Mr. Tom Beehan

7

8 Staff Present: Mr. Anthony Haynes
9 Executive Director

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10 Mr. J. Don Johnson
11 Auditor

12 Ms. T.J. Revis
13 Administrative Services Assistant

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14 Ms. Lynn Questell
15 General Counsel

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15 Location: Davy Crockett Tower, Room 160
16 500 James Robertson Parkway
17 Nashville, Tennessee 37243

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1 CHAIR PORTER: I'll call the meeting to
2 order. This is the March 12, 2004, meeting of the Tennessee
3 Emergency Communications Board. I'm Randy Porter, the
4 chairman. And I'd like to welcome each and every one of you
5 here this for morning for the faces that we recognize, the
6 directors and 911 folks, and to our visitors, our new ones, if
7 this is your first time we welcome you here. I'll say good
8 morning to the board members.

9 And looking around, we want to let the
10 record reflect that Mr. David Purkey is the only one we have
11 absent. Let the record show that all the other members are
12 present. I'd like -- and that's an excused absence. David has
13 a county executive event that he has to be at in his home
14 county for the opening of some kind of park or something and
15 couldn't be here today.

16 First of all, I'd like to welcome our newest
17 board member. This is Mr. Tom Beehan. He's the vice mayor of
18 Oak Ridge. And we're very happy to have you with us, Tom. If
19 there's anything we can do to make your first day more
20 enjoyable, or if you have any questions, feel free. We're just
21 glad to have you on board.

22 MEMBER BEEHAN: Thank you, Randy. I'm
23 pleased to be here.

24 CHAIR PORTER: No further other
25 housekeeping -- one thing I will say, Denise is the court

1 report today. If we get to talking too -- too fast or too many
2 at a time just try to get my attention and we'll slow down.
3 Please, only one person speak at a time. Denise can see all
4 the names on the board members, but if anyone from the audience
5 comes to -- to speak at the table or the podium, before you
6 speak, please state your name and your title so that we can get
7 it into the record.

8 First item on the agenda is the report of
9 the executive director, Anthony Haynes.

10 MR. HAYNES: Thank you very much,
11 Mr. Chairman.

12 I'm please to report to you this morning
13 that this meeting is being -- is kind of a trial or a pilot, if
14 you will, of our first live screening audio-cast over the
15 internet. We got the word yesterday, late about 5:00, that it
16 looked liked all the drops, everything that was tested worked.
17 We have the departmental staff here with us this morning that
18 is actually providing a live feed to Real Networks. And
19 there's also a hit on our website and URL where folks can click
20 on and listen.

21 This morning's test is more so for quality,
22 but we think we also have things organized with Real Networks
23 that this meeting may be available for up to 15 to 20 days in
24 archive format through the ECB website on the Department of
25 Commerce's website. So we're mainly checking for quality

1 today, but hopefully, Mr. Chairman, if all goes well with
2 today's test, all the meetings in the future, whether they're
3 here in this facility or they're off site anywhere in the state
4 of Tennessee, as long as we have a broadband drop and a laptop
5 computer, anyone in the state of Tennessee or anywhere else in
6 the nation or the world can click on our website and listen to
7 the proceedings of this meeting.

8 I would like to thank Commerce and Insurance
9 Commissioner Paula Flowers and her fine staff, particularly her
10 new computer and internet technology director, Paul Hartbarger,
11 for all of his hard work to make this day a reality. This has
12 been a wish of the Board for almost two years. There's been
13 lots of setbacks, lots of discouragement from different little
14 places in government. But today it's becoming a reality. And
15 so we're hoping that this will enable more and more districts
16 to participate in the Board's proceedings and listen to what's
17 going on, as well as the public, the press, and anyone who
18 wishes to check in.

19 So I'm very pleased to report that. And I
20 want to remind the board members, if you please would, speak as
21 closely to your microphones as possible due to the -- to the
22 equipment we need to work with.

23 Mr. Chairman, I want to give the members of
24 the board just a brief status report on a number of items.
25 First of all, we have secured the necessary amendments through

1 the state for the Rural Dispatcher Assistance Grant. We've
2 already approved ten of those as of last night. And so the
3 Tier 4 and 5 911 districts that were qualifying for those based
4 on the Board's criteria can continue to apply. We have the
5 application. We have the checklist on the Board's website. So
6 we encourage all the 911 districts to take a look at that to
7 see what we're doing, and those that are eligible to apply for
8 that grant.

9 In addition to our information on the
10 website, the Board would be pleased to know that we sent a
11 letter to all 911 districts across the state explaining the
12 grant, the scope of the grant, what its intent was so that they
13 would know what the Board was doing to try to help the state's
14 more rural districts facing some financial challenges that they
15 are incurring.

16 We also are working towards setting up
17 our -- or posting some regional workshops across the state.
18 The last two -- or I should say two weeks ago I joined the West
19 Tennessee TENA counties for a town hall type meeting. They
20 were kind enough to host this over in Jackson, Tennessee and
21 gave me part of their program to have a question and answer
22 session for about an hour, hour and a half. It was very
23 productive. I had lots of comments, positive comments from
24 people after that meeting saying we enjoyed it, we learned a
25 lot of things we didn't know, we need to do this more often.

1 So as a result of that, we're going to
2 conduct a series of town hall meetings. We have three lined up
3 so far. We'll be doing these throughout the year as time goes
4 on. But our first one will be on March 26th in Knoxville, and
5 Barry Furey has agreed to host us there at the Knox County 911
6 district. We'll be meeting on April 1st in Johnson City at the
7 Washington County 911 district. Board Member Ike Lowry will be
8 co-hosting that with Bob McNeal. And then on April the 2nd we
9 will be meeting with -- we encourage everyone from the
10 Cumberland region to come out with a meeting, and Chairman
11 Randy Porter and Putnam County director will be hosting there
12 in Cookeville, location to be announced.

13 But we will be putting out a mailing
14 on that to all 911 districts in Middle and Eastern
15 Tennessee today. And the reason we're limiting that scope,
16 is that the other 911 districts, the 20-some-odd from
17 Western Tennessee had their meeting previously.

18 We also have dates set and are working on a
19 program for the workshops that this board authorized the staff
20 to do recently on financial, budgeting, and issues facing the
21 911 districts. Those will be on April -- excuse me,
22 April 16th, a workshop here in Middle Tennessee; April the 23rd
23 in Jackson, Tennessee; and April the 30th in Knoxville,
24 Tennessee. We will also be doing an all district mailing
25 identifying the exact locations, directions on how to get to

1 those facilities. We've been working on a program with members
2 of the comptroller's office. And hopefully this will be
3 something that will provide districts with a lot of helpful
4 information on audit and budget requirements, other information
5 such as Sunshine Act, open meetings -- or I should say public
6 documents, and maybe some other tools that will be helpful for
7 district board members, directors, and staff to attend.

8 At this time -- oh, excuse me.

9 Mr. Chairman, you know you and I were joined by some others
10 from the board and Tennessee Emergency Number Association and
11 Leadership to attend the NENA, Critical Issue Forum in
12 Washington D.C. This was February 22nd through the 24th. Part
13 of that travel to Washington included a meeting between the FCC
14 Commissioner Jonathan Adelstein and his senior legal advisor,
15 Barry Ohlson, and our chairman, Randy Porter, myself, and also
16 Buddy Shafer, president of Tennessee Emergency Number
17 Association regarding Hancock County, Tennessee.

18 Mr. Chairman, we are still on track,
19 hopefully, that we will be the third state in the nation to
20 have all E-911 service, wireline and wireless by early to
21 mid-summer. However, there's a little regulatory quagmire in
22 Hancock, Tennessee with a group of about 65 residenceals served
23 by Scott County Telephone Cooperative out of the state of
24 Virginia. And because of the FCC rules regarding
25 interconnection and a cross-line boundary transfer, we -- we

1 can provide these people -- or we can obtain E-911 service for
2 these people in Hancock County. Unfortunately, the cost to
3 maintain that service would be \$30 per month per residential
4 line, which is just not feasible. The only reason why that
5 cost exists is because of the interconnection tariff and the
6 trunk to tariff mileage that exists between the cooperative and
7 BellSouth, the local exchange provider for the PSAP.

8 We went to Washington to meet with
9 John Adelstein, or I should say Commissioner Adelstein, and his
10 senior advisor, Barry Ohlson, basically to ask the FCC to
11 intervene and say these are the FCC rules, we know that it was
12 never your intention to -- in creating this pricing structure
13 to create any type of impediment from permitting people in any
14 part of the country from having E-911 service, and so we want
15 you to intervene, and we want you to decide what's fair for the
16 phone companies to do so that we may bring service to these 65
17 residents like the rest of Hancock County now currently enjoys,
18 as well as the rest of the Tennessee will enjoy.

19 We look forward to hearing back from the FCC
20 on this matter in the near future. I'll be traveling to
21 Washington in the near future on business for another matter,
22 which I plan to stop in Commissioner Adelstein's office and try
23 to get some sort of status report, Mr. Chairman, to see if we
24 have any luck to work that in.

25 At this time, Mr. Chairman, with your

1 permission, I would like to refer the Board to General Counsel
2 Lynn Questell to give us just a very short report on the
3 potential litigation with AT&T Wireless.

4 CHAIR PORTER: Lynn -- and let me first of
5 all say to the board members, Lynn's going to give a brief
6 statement on this, but because of confidentiality problems I'm
7 going to ask that you not ask her any questions. This is still
8 being litigated, and if you have questions or so forth, please
9 do so after the meeting on an individual one-to-one basis.

10 Lynn.

11 MS. QUESTELL: Thank you. We are not at a
12 point of litigation, we are just simply in discussion.
13 Nothing has been filed by AT&T challenging the Board's decision
14 on January 15th to prohibit carriers from double dipping.

15 The discussions thus far are totally
16 consistent with the Board's January 15th decision, but they
17 would also allow AT&T Wireless to continue collecting a
18 regulatory fee, but there will be no double dipping, that there
19 will be an offset.

20 But we are continuing negotiations and I
21 will keep you all apprised. This I'm not seeing as a
22 settlement because I think it's totally consistent with
23 you-all's decision and I'm simply executing your decision.

24 That's really all I have on that issue.

25 CHAIR PORTER: Do you remember back in

1 January we voted that we didn't think a carrier should be able
2 to double dip, basically be able to accept our cost as a
3 Phase I and Phase II carrier and then at the same time turn
4 around and bill each one of those customers on their wireless
5 bill a fee for 911 service. That's consider to be double
6 dipping. So that's what Lynn is working on with AT&T.

7 One thing that I'd to -- that Anthony
8 brought up, about the Rural Dispatcher Grant, for those of you
9 in the audience, those of you who may be listening to this
10 broadcast today or later, all the Tier 4 and Tier 5 counties,
11 districts in Tennessee are eligible for this grant. And I
12 really hope that -- that we see more participation with it than
13 we've seen with GIS mapping grants.

14 It's pretty sad when there's -- you're
15 giving away grants, 100 percent, it does not take any matching
16 money, and we still got 40 counties or districts, or more, out
17 there that haven't taken advantage of the GIS mapping grant of
18 \$50,000 one time and \$10,000 annually. And now we've got a
19 \$30,000 grant that's given to the smaller districts. And I
20 really hope that folks will take advantage of these grants.

21 It's free money. It's to help the smaller
22 districts out. And I think that you'll see what's been going
23 on with the state board, especially in the last couple of
24 years, that we're doing everything we possibly can to try to
25 help those rural, small districts. We can't help them, if you

1 won't help yourself. And I guess that's the message I'm trying
2 to get across. This money is out there and I hope that you'll
3 take advantage of it.

4 Our next item, Anthony, we're down to
5 Phase II PSAP site visits.

6 MR. HAYNES: Mr. Chairman, also with your
7 permission, I would like to ask that the Board have our
8 consultant, Rex Holloway, maybe come forward and speak into the
9 mic and give us a brief report on the visits that he's made
10 from PSAP to PSAP. I should just kind of set the stage for
11 giving people a little background on this matter.

12 This -- this effort that we have asked Rex
13 and Holloway and Associates on our behalf to go out and visit
14 all one hundred 911 districts has come as a result of some of
15 the disturbing and sometimes disappointing news that you and I
16 find from time to time, Mr. Chairman, that we have dispatchers,
17 sometimes we even have district directors that are not familiar
18 with the Phase II data. They're not familiar with how to
19 obtain it, they're not familiar with what the data looks like.
20 We've been in rural PSAPs, we've been in a little bit larger
21 PSAPs, not urban PSAPs, but we've been in some of the state's
22 more larger PSAPs, and Phase II data would be right there on
23 the screen facing all in the face and the PSAP had no idea that
24 that's what it was.

25 So there's very limited -- there's a very

1 limited number of things that we can do, but for the good of
2 the order and trying to promote the public safety and welfare,
3 Mr. Chairman, I just took it on myself to ask Rex Holloway and
4 Associates to visit all one hundred 911 districts to explain to
5 them about the Phase II data. He'll tell you the type of
6 information that he left behind and the type of coaching that
7 he engaged on that.

8 This did come out of his existing technical
9 consulting contract. I think this project, by the time we
10 spent all this time on it, it was probably a little over 20
11 grand. So it consumes a significant chunk of the authority
12 that we already have under our contract to work with
13 Mr. Holloway. But, Mr. Chairman, quite frankly, I was just
14 scared to death if we didn't do something like this we would be
15 negligent in knowing that there are these districts out there
16 that don't know how to use and obtain this data and it could
17 eventually affect public safety.

18 We also sent a letter around to all of the
19 districts explaining to them not only about the Phase II data
20 and what to look for but strongly encouraging them to check
21 with their dispatch centers, and even in the cases of where --
22 say, for instance, like Shelby County, if they would just pass
23 the word along to some of the managers, although they don't
24 have a centralized dispatch, if they could just pass the word
25 to some of the public safety agencies that they need to ensure

1 that their dispatchers know how to obtain and use this data,
2 that it was an initiative on the state board's part to try to
3 make this happen.

4 So at this time I would like to ask Rex to
5 make a speech, about a minute or so, with some of their work.

6 MR. HOLLOWAY: Okay. You've got my name,
7 Rex Holloway. Okay.

8 I guess this mic's on, isn't it? Okay.

9 As Anthony's mentioned, we did go out and
10 visit a hundred emergency communication districts. There's
11 actually 142 PSAPs. And this was something -- another project
12 that we were working on too, to try to ascertain exactly how
13 many dispatch centers we do have in the state of Tennessee.
14 And there was some confusion between the list that the FCC had.
15 And we pretty much clarified the actual PSAPs that are out
16 there today.

17 There are some PSAPs what we classify as
18 remote PSAPs, that are essentially nothing more than just a
19 workstation off of a primary center at another location. But
20 we actually counted those in. If they're actually doing
21 dispatching and receiving 911 calls, despite of the fact they
22 may be a remote center, then we counted the duct work --
23 Tennessee would be a good -- Ducktown would be a good example
24 in Polk County.

25 So at any rate, we did visit 142 PSAPs. Our

1 mission, just to put it in three quick terms, our fax is, we
2 wanted to look at the PSAP's ability to receive Phase II
3 latitude-longitude. In other words, could they get the
4 latitude-longitude on the screen, was it an accurate number,
5 was it a complete number. Because we did find some occasions
6 where the latitude-longitude was stripped off, maybe the last
7 three digits were stripped off. So we were looking for
8 everything to prove that they were actually getting a true
9 latitude-longitude.

10 We were also looking at, you know, the
11 understanding of procedures, what do I with a -- with a
12 wireless call, a Phase II call, how do I -- first of all, how
13 do I know it's a Phase II call; and if I -- if I determine it
14 is a Phase II call, what do I do; or if the Phase II is
15 possible, how do I trigger the system to go through a re-bid or
16 retransmit process to give me a cell phone location. Because
17 most of the time the cell site itself comes up, as it has now
18 for some time under Phase I.

19 And then we were also looking at the mapping
20 resources for the county. You know, did they have a map with
21 all the populate on a computer screen, did they -- did they --
22 did they just simply have a paper map, what resources did they
23 have.

24 We did find one county that actually was
25 able to -- their method of locating a cell phone was to go to

1 the internet and go to Map Quest. And that certainly works.
2 The maps are not that updated, but if that's the best they
3 have, then that's better than nothing for sure.

4 So out of these 142 site visits, about 30
5 percent have some type of mapping system, digital mapping
6 system that appears on the computer screen that has all the
7 populating so that when they get an initial call, a triangle
8 appears, and they know that that's a cell site location. So
9 that's Phase I information. If they wait 15 or 20 seconds and
10 then hit the re-bid, then they get an icon that most of the
11 time that looks like a cell phone, and that's an indication to
12 them that's actually a cell phone, a physical site. We had
13 found that most of the time, in the test I did, the action was
14 pretty high.

15 Now, of those 30 -- of that 30 percent that
16 don't have mapping -- a mapping system, if you will, in place,
17 about half of those are in some stage of procuring a map
18 system. They've either got an idea or they've got a contract
19 in progress, or they have an installation in progress. And
20 then we get by, as Anthony mentioned, there are some counties
21 that have actually installed mapping but have not requested a
22 rate reimbursement. So maybe you'll be getting some of those
23 in the next few weeks.

24 Most of the PSAPs we visited did have a
25 general understanding -- I would say the majority, 80 to 90

1 percent, had a good understanding of Phase II and what they
2 could expect to see. They just didn't know how and when to use
3 the -- the re-bid button. So we actually left some
4 instructions on site. You can't see this very well, but
5 essentially, we did it -- we try to keep it as brief as
6 possible, but a couple pages of instructions to show them a
7 typical screen layout and how to recognize the new fields, what
8 they're going to be seeing, the fields' information, and then
9 how to press the re-bid button, how to wait, and then how to
10 report problems if they experienced any problems.

11 That's pretty much it. Unless you-all have
12 some questions for me.

13 CHAIR PORTER: Anybody have any questions
14 for Rex?

15 Thanks, Rex.

16 MR. HOLLOWAY: And let me just say, that's
17 why Bobby Thompson is probably not here today, I really mapped
18 it up, so he's sleeping right now.

19 CHAIR PORTER: You-all did a great job. We
20 appreciate it.

21 Okay, the next item.

22 MR. HAYNES: Mr. Chairman, the last status
23 report that I have is something just to bring to the Board's
24 attention. I wanted you to know that I had authorized a cost
25 recovery and a few invoices from Triton PCS for the year of

1 October 2003 through December of 2003 for Phase I. These were
2 monthly reoccurring changes due to the addition of a tower in
3 Sullivan County, Tennessee, if I'm not mistaken. I had
4 consulted with the Board's general counsel, Lynn Questell, and
5 it was her opinion that given that the Board had already
6 approved the cost recovery that all components, all plans were
7 within line. It's a simple addition of the tower included in
8 the way the memorandum agreement -- excuse me, memorandum of
9 understanding had been signed for true-ups, and also that I was
10 simply administering a decision that you had made that I was
11 within line approving this increase.

12 But nonetheless, I did want to bring it to
13 your attention. It probably wasn't necessary, it was just in
14 the interest of good government I wanted to do that. And if
15 you have any questions about that, we have all necessary
16 information upstairs, just like all this other proprietary and
17 confidential data protected by state and federal law, I cannot
18 discuss the amount or exactly the components, but it is for
19 review by any and all board members, one at a time, in the ECB
20 offices. And we can always -- we can go up there and consult
21 with Rex Holloway to answer any questions you may have.

22 Mr. Chairman, that concludes my status
23 report. The staff would like to bring a few action items
24 before you at this time, if that's permissible.

25 CHAIR PORTER: The staff has some action

1 items. We'll take them one at the time, and we can go ahead
2 and vote on what we need to do on each item. We'll start at
3 the last meeting. We'll proceed with the first one.

4 MR. HAYNES: Mr. Chairman, the first item or
5 a few legislative items, there are four pieces of proposed
6 legislation for the General Assembly at the current time. I'll
7 cover those one by one so that you may discuss them if you
8 wish.

9 The first one is Senate Bill 3115, House
10 Bill, and it's companion, 3039. The staff had communicated
11 back to the Governor's office that we believe that the board
12 would oppose that bill. So you're listed now as opposing it.
13 However, I wanted to bring it in your public form, as we always
14 do, for legislation we ask you to support, defer, or oppose.

15 Each -- this bill is the bill that you are
16 familiar with, most people in the 911 community are familiar
17 with. The concerns that the staff has with this bill is that
18 it currently removes the existing state cap on landlines within
19 the state. It removes the state board's authority to -- I
20 guess you would say, to approve rate increases above a certain
21 amount.

22 I should note for the record that our
23 understanding, is that the telephone industry opposes this bill
24 and is strongly concerned about, (1) additional -- or the
25 raising of the cap. It is currently in the state law to own

1 telephone lines. They are equally concerned that the State
2 will lose any potential oversight to approved those and grant
3 those on an as-needed basis not as an as-desired basis.

4 I also should point out that one of the main
5 problems with the bill, Mr. Chairman, is that it increases the
6 wireless dispersement without raising the wireless fee in the
7 state on the consumer to about 60 percent of where it is now,
8 up to a total of 40 percent of the disbursement.

9 The problem with that is, is that, yes, it
10 does send more monies to -- more money from the wireless fund
11 to the districts. Nobody's against that. But the problem is,
12 it basically takes from the poor and gives to the rich.

13 And what I mean by that, Mr. Chairman, is
14 that we're not the federal government, we can't run deficits.
15 We're not local government, we can't issue bonds or borrow
16 money. The State of Tennessee as a constitutional requirement
17 has to maintain a balanced budget. So regardless of what is
18 seen as preserved funds, and those are funds that are not
19 approved by the General Assembly in an annual budget, you have
20 to basically look at what you're spending and based on what
21 you're taking in and run the organization. And that's exactly
22 where we are.

23 We can meet the financial requirements in
24 this bill. It does have a \$4.7 million fiscal note on it.
25 However, those -- I have to do some offsets to make sure that

1 that 4.7 million is accounted for. And to obtain those offsets
2 I have to eliminate 2.5 million in discretionary spending,
3 which would include two grants, the \$10,000 GIS Mapping Grant
4 that all 911 districts across the state are eligible for and
5 receive, and the other is the newly created Rural Dispatcher
6 Assistance Grant, which is \$30,000 annually.

7 The -- the last component of the bill is
8 something that the staff feels is unnecessary, and it's
9 requiring or calling for a TACIR study, it's to study the
10 technology and unique pathways to the emergency 911 system, and
11 they'd be required to contribute their fair share of the
12 system.

13 It sounds nice on the surface.
14 Mr. Chairman, the only thing getting in the way of that right
15 now is not state law, it's not that the technology can't
16 support it, it's a little thing called federal moratorium on
17 the internet. As soon as Lamar Alexander and a few other
18 senators, United States senators -- the United States Senate
19 gains success, the states can tax the internet, tax commerce on
20 the internet, or impose service charge or fees. It won't be up
21 to the General Assembly, the 911 community, then, to determine
22 how much should the fair fee be.

23 But until then we can sit here and study
24 this thing to death and waste the taxpayer's money studying it.
25 And until that federal law is overturned, it's just a waste of

1 time and waste of tax dollars.

2 So that's been kind of the position that the
3 staff has taken on it, Mr. Chairman. I would like to point out
4 for the record because I've had a considerable amount of
5 discussions from 911 districts across the state, from all our
6 tiers, that we believe that this sets up a bad political
7 situation for 911. I mean, none of us here in this one are
8 politically naive. You just can't run through your world doing
9 what you want without bringing in the stakeholders that are
10 affected by your actions and your desires. And that in this
11 state, in the case of 911, includes the taxpayer, and it
12 includes the telecommunications industry.

13 The facts are, in terms of needing more
14 money for 911 off the telephone lines, that 88 of the state's
15 one hundred 911 districts have not expressed any interest or
16 conveyed any intent to raise their local landline rates to the
17 state board; pure, plain, and simple.

18 The other number is, is that 76 of the
19 state's one hundred 911 districts currently are at 50 percent
20 or less of what the state law permitted them set back in 1984
21 to use a taxing -- excuse me, a fee structure, a fee structure
22 of raising landline fees up to 1.50 and \$3. Most of these
23 districts are still at 65 cents and \$2. And the only thing
24 that I can hear that they want this bill passed is that they
25 want the local boards to be able to approve rate increases

1 instead of the State being able to approve them. I can
2 understand that.

3 But on the other hand, what the public needs
4 to know is that this board has approved -- correct me if I'm
5 wrong, Don -- about 23 rate increase approvals since its
6 existence, since 1998, not a single one of those have been
7 denied. And in every case, in every case where the -- where
8 the State did not grant the statutory maximum by law allowed
9 that 911 district to have, in every case the district got its
10 so-called wishes. We -- this board came up with the rate of
11 amount and formula that allowed and permitted that district to
12 obtain everything it claimed it needed to justify opening up
13 the pocketbooks of the men, women, and children in that
14 district and charging more 911 fees than where they were.

15 Mr. Chairman, I just -- I'm not against 911
16 districts having the money that they need. But they are
17 government too, and we all have to look at what we're doing.
18 And I just don't think it's right. I just don't think it's
19 right that we stir up a lot of political problems for a lot of
20 911 districts in this state with the telephone industry, with
21 the taxpayer, with the consumer, when we can't go in good faith
22 and tell them we've used every tool in the toolbox you've given
23 us in terms of revenues to pay for the 911 system in this state
24 and it's failing.

25 There may be one or two or a handful of

1 districts out there that may be close to that situation, but,
2 Mr. Chairman, we still have tools, just like in the case of
3 Jackson County, that we can -- we can work with them with the
4 so-called fee structure that the legislature has imposed on the
5 public in this state and pay for the needed services we desire.

6 We'd all like more money. I'd like more
7 money. But we have to -- we have to -- the law says that we
8 will collect the fee reasonable to support the services.
9 That's in the state law. It's been written all the way back --
10 I think maybe even in Part I -- Counsel, correct me -- that was
11 passed in 1984.

12 So we think in concept, yes, it looks good,
13 but the repercussions from this legislation passing hurts 51 of
14 the state's most rural districts because we have to eliminated
15 \$40,000 in grants. And, Mr. Chairman, as long as I'm your
16 executive director. I just can't support hurting rural
17 America.

18 CHAIR PORTER: Thank you. And something
19 that I'll say briefly that disturbs me greatly is rural
20 districts and some of these small districts, that this will cut
21 into their money extremely, we loose thousands of dollars for
22 supporting this bill. And I don't understand that.

23 You know, when we brought Anthony here to
24 the state board as our new director, one of the things that
25 sold us on him was his vast knowledge in rural America coming

1 from rural West Tennessee and working in the federal government
2 with the rural parts of our state to do things. And I think
3 we're all here to try to help the small counties.

4 Back in '97 and '98 when we looked at
5 passing the new law that created this board, one thing that
6 disturbed everyone was the way we were going to disburse 25
7 percent of the wireless money back out to the districts. The
8 way we wound up doing it was by population, and as you can well
9 see, that probably wasn't right. Big cities and big
10 metropolitan areas are getting most of the money and the little
11 small districts are hurting.

12 I had Anthony go back and come up with --
13 him and the staff come up with some numbers, just to see how
14 bad we thought it would hurt the little districts. And then
15 compare that to how much it's going to help one of the large
16 metropolitan areas. And I'd like to ask Anthony, if he would,
17 read off a few of those to give us some examples.

18 MR. HAYNES: Mr. Chairman, maybe what I'll
19 do is just start with those that lose the most, those that are
20 kind of in the middle, and then the ones close to the top.
21 Keep in mind, these are our Tier 4 and 5 911 districts, these
22 are 51 of the state's most rural 911 districts based on
23 population of the U.S. census data. And what I'll do,
24 Mr. Chairman, is list the district's name and then give the
25 difference, or what they gain, so to speak, from this bill by

1 more wireless money. But after how we have to pay for it, a
2 very simple question that has to be asked in government, how
3 much are they going to lose during the very next fiscal year.

4 Van Buren, Van Buren will pick up a total of
5 \$4700 in one year. These numbers are based on the formula that
6 is in the computer with the state that sends every district
7 their 911 money. These are not -- this is not fuzzy math, the
8 books haven't been cooked, this is the economic reality of what
9 will happen if SB 3115 and it's companion bill in the House
10 passes. They will loss -- or they will have after we take away
11 \$40,000 to pay for this -- this bad deal, they're going to lose
12 \$35,299.

13 I'll just pick out maybe Meigs County here.
14 Meigs County will pick \$9400, but they will lose 30,538 in
15 grants. Benton County, they will pick up 14,000 but will lose
16 25,800. Morgan County picks up 16,000 per year but loses
17 23,000.

18 Going on up to the very top of the list.
19 Well, Overton/Pickett, I see Chris Massengill here, and I've
20 talked to Chris about this, this comes to no surprise to him.
21 He picks up \$21,000 here in wireless money, but he will --
22 after the losses 40,000 that he will currently get from us, he
23 will be in the hole -- or he'll be behind 18,600.

24 And the last one in the Tier 4 category,
25 Claiborne County, picks up \$25,000 and change, but after they

1 lose 40,000, they're \$14,000 behind from when they started.

2 Mr. Chairman, this bill just does not make
3 economic sense for more than half of the state's 911 districts.
4 I just think it's poorly thought out. I just think it's a bad
5 bill, and I would I encourage the -- I would encourage the
6 Board to join the staff's recommendation of opposing the bill.

7 CHAIR PORTER: Give us one meeting sense,
8 Anthony, what about one of the big metropolitan areas, do you
9 got one of those?

10 MR. HAYNES: And I don't want to take
11 anything away -- I see Raymond here from Memphis, who I'll go
12 ahead and tell you, he gives me counsel on a lot of things and
13 straightens me out a lot of times too. And this is not to pick
14 on Memphis or Shelby County. But -- and keep in mind these
15 urban areas have significant costs too. We know that from
16 visiting with Raymond and Roxanne personally, Roxanne Brown
17 here in Nashville.

18 But this bill creates an additional
19 765 -- almost \$766,000 a year for Memphis alone. And I guess
20 just categorizing this whole thing, this bill basically
21 generates 4.9 or really \$5 million a year more for 911
22 districts. The important thing to know, though, is 51 of the
23 state's bottom half of the 911 districts are only going to get
24 1.9 million of it.

25 So nobody's against giving 911 districts

1 more money, but I'm not for robbing the poorer districts.
2 Which I thought this bill, at least from what I heard from some
3 of the sponsors in the legislature, was intending to do, to
4 help those little districts.

5 The current census formula, the way it's
6 designed for the wireless disbursement, is not the way to help
7 the rural districts, if you're trying to get them some extra
8 help. As a matter of fact, it's the way you're going to cut
9 their throats financially.

10 So I hope that answers your question,
11 Mr. Chairman.

12 CHAIR PORTER: And I appreciate the time
13 that Anthony and Don spent on coming up with those the numbers.
14 You've heard Anthony's recommendation on the
15 bill, what's the will of the Board?

16 MEMBER MOODY: Mr. Chairman, it would appear
17 to me, and it's probably embarrassing for me to be making these
18 comments due to the fact that I'm from Knox County, but looking
19 at it realistically and being concerned about what's happening
20 across this state, it would appear to me that the Board should
21 oppose this bill and I would move to that effect. And if I get
22 a second then I want -- I want to talk a bit.

23 MEMBER VICKERS: I second.

24 CHAIR PORTER: Second by Johnny.

25 I got a motion and second that the Board is

1 on record opposing this bill. Wanda, you wanted to say
2 something?

3 MEMBER MOODY: Yeah. I guess my concern is
4 this, I think some folks have been -- and I know this so often
5 happens when you deal with legislation, I think some folks have
6 looked at only part of this bill and not looked at it in its
7 total implication as far as 911 districts across the state are
8 concerned. And think if some of the directors and some of the
9 boards were aware of some of the information that Anthony has
10 just now communicated to us, they probably would be in
11 opposition to it also.

12 I think there's been some folks that are
13 probably -- tried to lead some of those directors and board
14 chairs down a primrose path, so to speak, with just a certain
15 amount of information and have not given them all of the facts.
16 And I think any time you start dealing with any -- any issue
17 and you don't have all of the facts and you're not able to look
18 at what the total picture is, you certainly are in a real
19 dangerous situation.

20 And in view of that, I'd like to, if this
21 board goes on record in opposition of this bill, I would like
22 to recommend that the staff communicate to those directors and
23 chairs of the districts, especially those that we just talked
24 about, what actually the financial implication would be.
25 Because I don't think they know. As I say, I think they've had

1 only one little bit of pie, they haven't been able to look at
2 all of it. And I think it's just dangerous when they don't
3 have all of it.

4 CHAIR PORTER: Any other comments or
5 discussion?

6 MR. HAYNES: Mr. Chairman, I would just say,
7 basically, if your 911 district has less than 30,000 people in
8 your county, this bill affects you directly to the sum of about
9 minus 40,000 a year.

10 CHAIR PORTER: Other discussion or
11 questions?

12 Hearing none, all in favor say "aye."

13 THE BOARD: "Aye."

14 CHAIR PORTER: All opposed like sign.
15 Motion carries.

16 Next item.

17 MEMBER MOODY: Chairman, may I? Chairman,
18 would it be possible for Anthony to communicate to those
19 districts that are involved how much they're going to be
20 losing?

21 MR. HAYNES: I'll do it the first thing next
22 week.

23 MEMBER MOODY: Thank you.

24 CHAIR PORTER: The next item, I guess, is
25 Senate Bill 3123.

1 MR. HAYNES: Yes, sir. The next item,
2 Senate Bill 3123, House Bill, it's companion, 3044, the staff
3 is also recommending opposing, as well as submitted that to the
4 Governor's office as being on the record we oppose that bill.
5 That can easily be changed if you decide otherwise.

6 The legislation in question takes another
7 run at the 911 fee structure and equally has the
8 telecommunications industry upset. It basically would take the
9 local approval of landline 911 fees from 65 to \$1 without
10 getting ECB approval, and the business lines from \$1 to 2.50.
11 It would kick in the state cap with the current scenario of how
12 things are improved of being 1.50 on residential and \$3 -- up
13 to \$3, and then \$2 on business lines, up to 3.50.

14 Mr. Chairman, again, it goes back to -- my
15 concern is where this bill is going to have the heaviest burden
16 is in the rural communities and rural counties. Those --
17 there's only so much tax base, there's only so many people to
18 spread the cost around when you've got counties of 30,000 or
19 less to -- to contribute to award these.

20 And basically, what I think would be
21 important here is that if we -- as long as we haven't utilized
22 the rate structure and the leeway that we have within the law,
23 it is very hard to maintain credibility as well as the public's
24 trust to ask for money when we haven't used the mechanisms that
25 they've given us to work so far. So that is why the staff has

1 recommended, on those two principals, that we oppose this bill.

2 CHAIR PORTER: Sir, do you have a --

3 MR. RIGGS: You know, I understand --

4 CHAIR PORTER: No, whoa, whoa, whoa. Hold
5 on. You have something you want to address the Board?

6 MR. RIGGS: Yes, sir.

7 CHAIR PORTER: We normally hear folks from
8 the audience at the end. Do you all want to hear folks now
9 that have concerns about this item coming up?

10 Come up to the podium.

11 We've got a busy schedule, so I'm going to
12 limit you to about two minutes. If you would, state your name
13 and your position and title and so forth for us.

14 MR. RIGGS: Yes, sir. My name is Charles
15 Riggs, as Mr. Haynes noted, we spent a lengthy conversation --

16 CHAIR PORTER: What county are you with?

17 MR. RIGGS: I'm with Rhea County. I'm the
18 911 director. I'm one of the Tier 4 counties that supposedly
19 is affected by this.

20 Our county is at the very top of the
21 Tier 4. And by the next census we'll be in Tier 3. Currently
22 we don't meet any of the qualifications for the dispatcher
23 grant. Yes, we've applied for our reimbursement for the Phase
24 II compliance. We've currently earned -- just last night at
25 our board meeting we finalized getting our GIS package together

1 and on our RFPs. As you-all know, that's a lengthy process
2 right there. We got that finalized, and we'll be submitting
3 for that. But that's all we will be getting, is just the
4 \$10,000 a year from that. Which we'll realize more money if we
5 just bill those through.

6 And -- and I would like to go on the record
7 as being one of the 911 directors in opposing the board
8 opposing this bill. I think if you-all are opposing it, you
9 need to look at the legislature and have them look at these
10 rates and have them look at what can be done to help some of
11 these counties that are in between.

12 True, I'm not like my fellow counties like
13 Unicoi and Union County that -- that aren't like that. But I'm
14 not like my neighbor down in Hamilton County where they have
15 vast sums of money and can spend millions of dollars. I'm
16 stuck in between as the rock in the hard place. And this board
17 would deny us getting some benefit from that. Yes, I do
18 realize that it does help some of the smaller counties, but it
19 shuts us out.

20 And somehow I -- I think the board should
21 look at not just opposing the legislation but trying to get the
22 legislature to do something to help some of these counties
23 that -- you know, I've got a county commission that hasn't had
24 a rate increase on taxes in over ten years. We are stuck with
25 a zero increase budget every year, and we have to meet the

1 demands -- BellSouth coming in and saying this is what your
2 rates are going to be, you have to pay us.

3 You know, 911 districts have to pay phone
4 bills just like everybody else does. We have to pay suppliers.
5 We have to pay electricity needs. And yet we're being told --
6 we got a fixed income. You know, we can't apply for food
7 stamps or welfare or anything like that. We're stuck. And
8 this is one avenue that we have to get some revenue to help us
9 that we dire -- desperately need.

10 Yes, we've been in front of this board. We
11 did apply. Our county did receive a rate increase. But our
12 people and my chairman wanted me to stress strongly -- was
13 ridiculed for coming up here and questioned about doing that.
14 You know. And he wanted me to make sure that it went on record
15 that a lot of counties are afraid to come in front of this
16 board and present their needs to them because they're afraid of
17 being ridiculed, harassed, and questioned on why they need
18 something.

19 CHAIR PORTER: Well, if some of the other
20 board members want to talk, why, I'd be glad to let you address
21 this also. I've been sitting on this board since its
22 inception, I don't know of any district that's been ridiculed.
23 Their rate increase was approved. As long as the districts
24 bring the information that is needed to support their rate
25 increase request -- the problem is, we had some districts come

1 in asking for anything and everything and really didn't know
2 what they wanted and couldn't prove to us with numbers of what
3 they needed.

4 So -- my other question to you is, you're a
5 Tier 3 -- are you a Tier 3 county?

6 MR. RIGGS: Yes, sir.

7 MR. HAYNES: No, currently a four.

8 CHAIR PORTER: That's what I thought.

9 MR. RIGGS: We're upper -- we're upper Tier
10 4.

11 CHAIR PORTER: Well, the next census is
12 going to come out, what, 2010. So for the next six years,
13 you're going to lose money until that next census comes out if
14 this bill passes. You understand that?

15 MR. RIGGS: But our population doesn't allow
16 us get to this dispatcher grant.

17 CHAIR PORTER: Population doesn't have
18 anything to do with it. If you're a Tier 4 county you can
19 apply for the dispatcher grant just like anybody else.

20 The census won't change until 2010, and here
21 again, you're kind of estimating what the census is going to be
22 six years from now. That's -- that's nice to try to do, but we
23 know that we miss that a lot. You know, who knows what's going
24 to happen in the next six years.

25 Once this board is able to pay for all the

1 things due to cost recovery and the more money's available, I
2 think this board has done everything -- everything it could to
3 make sure we're putting money out to those rural counties.
4 \$30,000 rural dispatcher grant, \$50,000 GIS, \$10,000 GIS, that
5 alone is \$90,000 in the last two years that we put out to the
6 rural -- grants to the rural counties.

7 And one thing I think this board does is,
8 Ms. Wanda up here in Knox County, it's going to cost her 30,
9 40,000 more to put in GIS mapping than it is to you over in
10 Rhea County, yet she got the same \$50,000 that you did. We're
11 trying to make it where it's accessible to the counties.

12 I appreciate your remarks. Everybody has
13 their own opinion. And I'll see if there are any other board
14 members that want to ask any questions with respect to
15 Mr. Riggs.

16 MR. RIGGS: But I would just like to say one
17 final thing. You know, the state ECB board should be out there
18 trying to help some of these counties in trying to do these
19 things. You know, and Mr. Haynes and myself talked about this,
20 there's been a total big lack of communication between the
21 state board and some of these smaller boards that needs to be
22 really addressed.

23 And I believe the township meetings are a
24 little bit thing closer to it. Now, we do have -- you know,
25 there's other places than Knoxville that you can meet at. You

1 know, Chattanooga ain't too far. You know, we're still an hour
2 away from Knoxville down there. And people in Bledsoe County
3 and Franklin, that's still a little far for them to drive too.

4 But, you know, I think that's an approach
5 that the board needs to start doing, is getting out to these
6 people, getting out to -- and -- and NENA, TENA meetings and
7 addressing some of the issues that are coming up. But still,
8 you know, these rates that are set down have been set down
9 since the early '70s and '80s and I think that it's time that
10 the board should step up to the legislature and say, hey, we
11 need to look at this, we're hurting a lot of people that need
12 this desperately.

13 CHAIR PORTER: Time is up. Anybody else
14 want to address the board on any of these issues before we move
15 on?

16 Thank you, Mr. Riggs.

17 Okay. You've heard the presentation of the
18 staff on Senate Bill 3123 recommending to oppose the bill.
19 What's the will of the board?

20 MEMBER BEEHAN: Mr. Chairman, I make a
21 motion that we adopt the proposal of the staff to oppose this
22 bill.

23 CHAIR PORTER: Do I have a second?

24 MEMBER BILBREY: Second.

25 CHAIR PORTER: Second by Mr. Bilbrey. Our

1 motion and second is that the board go on record by opposing
2 Senate Bill 3123 and House Bill 3044. Any discussion?

3 Hearing none. In favor of the motion vote
4 "aye."

5 THE BOARD: Aye.

6 CHAIR PORTER: Oppose the motion "no."

7 Motion carries.

8 MR. HAYNES: Mr. Chairman, the next piece of
9 legislation -- before we leave those two, I should add, and I
10 didn't want to say this before because I didn't want to try to
11 influence an otherwise objective decision making process on
12 what you should do on this bill and the staff recommendation,
13 the Tennessee Emergency Number Association has opposed both
14 those bills. They conducted a poll and their members voted.
15 Both those pieces of legislation have been opposed by the board
16 of directors from TENA.

17 Also I'd like to point out that in a West
18 Tennessee TENA meeting, I'd like to commend the leadership
19 of Raymond Chiozza. He stood to gain three quarters of a
20 million dollars a year from this bill, and he opposed it,
21 he voted against it simply because he didn't want -- he didn't
22 want that extra money at the cost of these rural districts.
23 And I'd like to commend his leadership and statesmanship on
24 that.

25 The next piece of legislation is Senate Bill

1 2445 and House Bill 3056. That is the -- this is a bill that
2 deals with annexation that Senator Norris has that basically
3 says that it will -- there will be a time period that the
4 county executive must be informed of an area of annexation. We
5 ceased this opportunity and we've given a favorable response,
6 not only to Senator Norris but also -- if I'm not mistake, the
7 TML -- not the TML -- I'm sorry, the County Services
8 Association. And also we had gotten some advice from a
9 Raymond Chiozza on this since this affects probably Memphis as
10 much or more than anybody.

11 And that is that we see this bill as an
12 opportunity to include that as an area is annexed that the --
13 also in addition to the county executive having to be informed,
14 the 911 district has to be informed and they provide not only a
15 list of street names and address ranges that are affected by
16 the annexation but also a map of the area that helps them
17 identify. Because from what we understand there is a practice
18 of taking in a few houses, skipping in a few churches, kind of
19 a patchwork when annexation occurs.

20 In return to make the whole process work for
21 the safety and well-being of the public, we felt it would be
22 fair to require the 911 district too, within 30 days, certify
23 that they had received that list. There's a requirement to put
24 it in the database, although I think every 911 person would be
25 responsible enough to do that. But it's just an attempt to

1 make sure that the districts are not running to keep up with
2 what's going on in annexation so that the right public safety
3 agency dispatches the right jurisdiction. And staff would
4 recommend your support of that amendment of that bill.

5 CHAIR PORTER: You heard the recommendation
6 of the staff. What's the will of the Board?

7 MEMBER RICH: I move to support.

8 CHAIR PORTER: Got a motion. Now a second?

9 MEMBER SHEFFIELD: Second.

10 CHAIR PORTER: A motion and a second that we
11 support Senate bill 2445 -- is there a companion?

12 MR. HAYNES: Yes. 3056.

13 CHAIR PORTER: 3056.

14 Any discussion?

15 Hearing none. If you're in favor supporting
16 the bill say "aye."

17 THE BOARD: Aye.

18 CHAIR PORTER: Opposed, like sign.

19 Motion carries.

20 MR. HAYNES: The last piece of legislation,
21 Mr. Chairman, is Senate Bill 3246 and House Bill 3285. The
22 staff -- give me a refresher on that, I just had my notes --
23 I'm sorry, that's financially distressed issues. Sorry about
24 that, Mr. Chairman.

25 This is an amendment that actually the --

1 originally the comptroller's office consulted us on, not -- not
2 Member Bill Bilbrey but another division of the comptroller's
3 office. It's mainly a housekeeping bill, some accounting
4 terminology that the government used had changed. It involved
5 the statute needed to be updated and revised to make sure that
6 everything was consistent in terms of accounting terminology.

7 We saw this as an opportunity to -- at the
8 same time we were dealing with the Jackson County situation,
9 and thanks to the leadership of the Jackson County folks, they
10 voluntarily entered into a consent order with the board that we
11 might be able to step in and help them considering that they
12 were not only financially distressed, basically broke, but also
13 in debt of about \$80,000 in debt. The only time by law,
14 currently, that we are allowed to work with someone as if
15 they're financially distressed is if they have three years
16 consecutive in the red and that be identified by the audits on
17 hand in the comptroller's office.

18 Chris Manson, they don't know that they
19 could have that kind of problem, he could be -- he could be on
20 the criteria calling me and saying, Anthony, please, I need the
21 State Board's help, and technically by law I couldn't consider
22 him or the Board couldn't consider him financially distressed
23 until it showed up in the audits, which are usually 6 to 12
24 months behind.

25 This is mainly an amendment that allows us

1 to work with the districts when we find out they are
2 financially distressed but not condition it on the audits
3 available for review at the comptroller's office. Which will
4 basically have the affect of the board being able to move 6 to
5 12 months sooner in the case of where the local district might
6 not be willing to enter, like Jackson County did, in a consent
7 order.

8 So the staff recommends support. Does
9 General Counsel have something to add?

10 MS. QUESTELL: The statute as it stands has
11 a number of ways that a district could be financially
12 distressed but they are all dependant on a finding in the
13 annual report. So that's the problem, is that it prohibits us
14 from jumping in more quickly because it has to show up in the
15 annual report. It's not just the whole three years that
16 Anthony mentioned, there are a number of other ways, but
17 they're all dependant on a finding in the annual report.

18 CHAIR PORTER: You heard the recommendation
19 from the staff that they are asking to give ECB the
20 authorization to amend T.C.A. 7-86-304. What's the will of the
21 board?

22 MEMBER BEEHAN: I move that we accept the
23 recommendation.

24 MEMBER LOWRY: Second.

25 CHAIR PORTER: I have a motion and a second

1 that we approve the request to authorize the executive director
2 to seek amendment to T.C.A. 7-86-304 that involves financial
3 distressed districts.

4 Any discussion or questions?

5 Hearing none. All in favor say "aye."

6 THE BOARD: Aye.

7 CHAIR PORTER: All opposed like sign.

8 Motion carries.

9 Is that all for the legislative end?

10 MR. HAYNES: Yes, sir.

11 CHAIR PORTER: One thing I'd like to say,
12 briefly, is that, you know, in the 911 world we all have our
13 own different opinions. We don't all see things as the glass
14 half full or half empty, and so forth. I would hope through
15 TENA, which is a great organization for folks to come together
16 under that the 911 community in general kind of come together
17 and do things that will benefit 911 as a whole, not just
18 looking out for just one little piece here and there which
19 seems to be the way that things happen sometimes in
20 legislature. I would hope that we'd be big enough to come
21 together and try to look out for the future of 911 in general
22 and not just a few little pieces, that we could work together.

23 You know, I see friendships and things being
24 torn apart on some of these bills like this that come up in the
25 legislature because of difference of opinion. We have to

1 remember that this is business, it's not personal. And I hope
2 that everyone can work together. And I think this board, that
3 the ultimate goal is to make 911 the best it can possibly be in
4 Tennessee, not just down in Poduck County (phonetically) or
5 over in Choke Bloke County (phonetically), but in Tennessee in
6 general, to try to look out for all of the districts not just
7 part of them.

8 I commend the Board for what they've done so
9 far, and I hope we continue working in that direction for
10 what's best for everyone. And I appreciate everyone's opinions
11 that you have on these bills. We may not agree, but you still
12 have the right to have that opinion, and I appreciate those who
13 are willing to speak up today.

14 Next item is the Uniform Time Standard
15 Grant.

16 MR. HAYNES: Mr. Chairman, over the last
17 couple of months, and probably over the last year, I've got to
18 admit that more and more PSAPs that I went into that I saw the
19 standardized clock, so to speak -- it's more than just
20 something that you go down to Target or Wal-Mart to pick up.
21 But it's a satellite -- I think they're all satellite fed, if
22 I'm not mistaken, with some sort of adjustment beacon.

23 But tying that in to all the applications
24 of the PSAP, maybe even tying in other agencies, sometimes
25 wireless and landline applications allow them to tie in

1 facilities up to 4,000 feet away, when I asked the chairman,
2 and I said, well, what goes on in some of these rural areas,
3 you know, this can get pretty expensive, how do they deal
4 with recording time for incidences and making sure, no offense
5 to the profession of our general counsel and any attorneys in
6 the audience, but when the trial lawyers start running around
7 looking for somebody to sue, how can their records stand up on
8 how they measure their time. Unfortunately, I found out a lot
9 of times it's on a piece of paper or a note card with an
10 incident report.

11 So this is an attempt of the board to try to
12 provide resources to 911 districts. We are recognized as a
13 national leader in E-911 implementation. We have some of the
14 finest equipment in E-911 technology of anywhere in the nation.
15 The staff believes it's an opportunity that we can be
16 consistent. We provide the GIS mapping systems reimbursements.
17 We're providing grants to update those and maintain them, what
18 they need to be. And with all that world class equipment, I'd
19 hate for us to kind of leave one little -- one little piece
20 overlooked.

21 And so the staff has recommended that we
22 basically create a policy and the board create a reimbursement
23 program for all 911 districts in the state to be reimbursed for
24 the acquisition, installation, and applications to be built on
25 for fees for what they call the PSAP Master Clock that meets or

1 exceeds the NENA standards. And the board members have a copy
2 of that. And I think we'll also make that available to our
3 website if this passes.

4 And also I'd like to recommend that the
5 Board provide a cost recovery, not a grant. And that it be --
6 that way it becomes a PSAP obligation and not a discretionary
7 grant. And that each district -- all districts be eligible for
8 up to \$5,000 for reimbursement for the installation and having
9 that acquired for the PSAP.

10 CHAIR PORTER: Your heard the request from
11 the staff asking to set up a reimbursement program for each
12 district for reimbursement up to \$5,000 to make sure they have
13 some form of standardization as far as the clock goes, what we
14 normally know as the spectrum net clock, whatever you want to
15 call them that operates off of GPS and they have to synchronize
16 all the computers and radio consoles and so forth.

17 MR. HAYNES: Mr. Chairman, I've asked
18 general counsel to draft a policy for your consideration. If
19 that's permissible, I would like for her to read that for the
20 record to review something firm to make the decision on.

21 CHAIR PORTER: Okay.

22 MS. QUESTELL: This is Policy No. 19,
23 effective --

24 MR. HAYNES: Proposed.

25 MS. QUESTELL: Proposed Policy No. 19.

1 Thank you. Effective April 1, 2004, the emergency
2 communications districts are encouraged to obtain for each
3 public safety answering point therein that is capable of
4 receiving enhanced 911 calls, a PSAP master clock that meets or
5 exceeds the recommended standards of the National Emergency
6 Number Association. The Tennessee Emergency Communications
7 Board shall provide cost recovery for PSAP master clocks not to
8 exceed \$5,000 per district, subject to availability of funds.
9 Districts that presently possess such a PSAP master clock shall
10 be eligible for such cost recovery upon production of paid
11 invoices therefore.

12 CHAIR PORTER: You heard the policy that the
13 staff has proposed. What's the will of the Board?

14 MEMBER LOWRY: I would move to accept.

15 MEMBER BILBREY: Second.

16 CHAIR PORTER: I have a motion by Mr. Lowry,
17 a second by Mr. Bilbrey --

18 MS. MOODY: Question.

19 CHAIR PORTER: -- to approve the policy.
20 Ms. Wanda?

21 MEMBER MOODY: How much do these clocks
22 normally cost?

23 CHAIR PORTER: Rex may want to help us on
24 this, but generally, and we're in the 1500, 2,000 range up then
25 on -- depending on how big the center involved. Rex, is that a

1 fair --

2 MR. HOLLOWAY: Yeah. And then one thing
3 that can re-impact them is the installation. Depending on the
4 site itself, depending on how much cable we have to run, how
5 many walls we've got to drill through to get this special cable
6 up to the roof, on top to put the antenna in. So it can vary
7 substantially.

8 I would say they cost from three to 4,000
9 probably by the time you do the insulation and everything, per
10 PSAP.

11 MS. MOODY: So you're saying then, beside up
12 to the \$5,000 -- I assume it's up to \$5,000. And you're
13 saying, then, up to the \$5,000 figure should take care of
14 everything?

15 MR. HOLLOWAY: Well, I was wondering that
16 myself. Is that per PSAP or per ECD?

17 CHAIR PORTER: Per ECD.

18 MR. HOLLOWAY: Per ECD. So that would
19 probably take care of one, maybe two PSAPs in a county that
20 might have multiple PSAPs.

21 Most counties, of course, only have one
22 PSAP, and that's certainly going to cover them. But we do have
23 some counties that have two or more PSAPs, and that wouldn't
24 cover but maybe two PSAPs at the most.

25 MEMBER MOODY: As I'm reading this policy,

1 it's not mandatory, but it's optional. They're encouraged to;
2 is that correct?

3 MR. HOLLOWAY: And many of them already have
4 them. So every county's not going to be requested to make this
5 kind of request. You know, many counties already do have
6 master clocks.

7 CHAIR PORTER: It gives the option,
8 Ms. Wanda, to those folks that have already done it to come
9 back and get reimbursement for it and for those that haven't
10 done it or may not be able to afford to do it, it would give
11 the smaller districts some money to go out and be able to
12 afford the same.

13 MEMBER BEEHAN: How will the districts be
14 informed of this?

15 CHAIR PORTER: Normally Anthony will send
16 out a letter to every 911 director, board chair and notify them
17 of the reimbursement, and it will be on our website.

18 MR. HAYNES: I would just add for the
19 board's consideration, I think most people -- yes, most of the
20 board members that are here today actually have worked with the
21 PSAPs or are in charge of the PSAP or PSAPs. But for those of
22 you that are not, these kind of things can be linked with a
23 computer dispatching, ALI controllers, voice recorders, radio
24 consoles, et cetera.

25 And these are not only important in time

1 standardization, in the event that it might help protect the
2 911 district or the 911 operations from having liability, but
3 also, too, as the technology in the 911 center becomes more
4 software and computer dependent, there could be the opportunity
5 that if times don't match up and the way certain programming by
6 multiple vendors as posted two or three years ago, the way some
7 of those programs are being written, we could see the day and
8 age of where if there's a difference of a little bit of a time
9 glitch an application's execution might not perform a certain
10 way or perform other executions that that computer software
11 might be telling that CAD or might be telling that ANI/ALI
12 controller to do.

13 So it's as much preventative medicine, given
14 how we all know that multiple vendors are writing multiple
15 programs and the opportunities for incompatibility are only
16 going to grow in terms of little glitches. And it's as much of
17 an effort to try to help make a -- make a stab at that before
18 it becomes a problem.

19 CHAIR PORTER: Those of us in the PSAP
20 business, I think, or that have these already know how great it
21 can be to synch everything together so if you go back trying to
22 start pulling up a call for a court case or subpoena,
23 everything synchs together and you don't have one computer with
24 one time and the 911 tape's got another time, and your CADs got
25 another time, so I think it would be worthwhile.

1 MEMBER RICH: Yeah, a question, Randy. I'm
2 one of those who had to sit in court and try to explain to
3 lawyers in a case, it is kind of hard to explain.

4 What about the time provided by the
5 telecodes that come in that are different? The time provided
6 by the telecodes are different than the times of PSAP. On my
7 printout they're always different than what we have.

8 CHAIR PORTER: And I can't speak for
9 BellSouth counties. Rex, do you --

10 MR. HOLLOWAY: Do you have a time synching
11 system or master clock now?

12 MEMBER RICH: No, I do not.

13 MR. HOLLOWAY: Okay, if you don't have a
14 master clock now, that would be the answer. They're pretty
15 much on accurate time at the data base center. And if you're
16 system is not, which your time would be synching up with their
17 system which is on a master clock.

18 MEMBER RICH: Okay.

19 MR. HOLLOWAY: And I might just say it too,
20 for those of you that maybe don't know much about the
21 equipment, if you just have a PC, your PC, if you really sight
22 it, it will loose probably two or three minutes every single
23 week. And different computers lose more time and some lose
24 less. But -- and every one of them are different. There's no
25 way -- you could set every clock every day, and the next day

1 they'd still be off.

2 CHAIR PORTER: Other questions or
3 discussion?

4 MR. HAYNES: I would like to point out for
5 the record that Rex Holloway and Holloway & Associates would
6 have no financial interest one way or the other if this
7 happened. They would not be doing the work related to this.
8 So that's one reason I want to point that out since he had
9 spoken to it.

10 MR. LOWRY: I know in our case in Sullivan
11 County C & L does allow us to time synch at the PSAP.

12 CHAIR PORTER: It makes a big difference.

13 Any other questions or discussion?

14 The motion is that we approved the
15 reimbursement grant up to \$5,000 and adopt Policy No. 19.

16 No other discussion. All in favor say
17 "aye."

18 THE BOARD: Aye.

19 CHAIR PORTER: And all opposed like sign.

20 Motion carries.

21 The next item will be consider GIS Mapping
22 System Policy and future reimbursement.

23 MR. HAYNES: Mr. Chairman, as you and I
24 have -- have spoken on a number of occasions, the GIS mapping
25 system presence at the end of PSAP is becoming more and more

1 critical. Although it's not required by the FCC as a condition
2 of Phase II readiness when it comes to PSAP readiness,
3 basically, if you don't have a GIS mapping system you're at a
4 great disadvantage in dealing with the Phase II data. You
5 basically have 20 numbers, 10 latitude, 10 longitude, that mean
6 nothing to you until you go get a paper map or you plug those
7 in on the internet to a web based mapping system.

8 What the staff would recommend to the board
9 is that the ECB adopt a policy, and if I'm not mistaken -- I'll
10 let general counsel read the policy. But our goal is to get
11 this in every system. We have money out there to help pay for
12 it. It is needed. It helps saves lives. All of a sudden it
13 makes available a map that Phase II calls can be all populated
14 on, that you don't waste time looking for where that call is in
15 case the victim cannot tell you where they're calling from
16 either because they're lost or they might be having a stroke or
17 incapacitated.

18 And at this time I would like to ask the
19 general counsel to read the proposed policy.

20 MS. QUESTELL: Thank you. Proposed Policy
21 No. 20, effective April 1, 2004, within one year of the
22 effective date of this policy, all public safety answering
23 points in Tennessee that are receiving 911 calls with enhanced
24 911 data shall obtain and be capable of effectively operating a
25 Geographic Information Systems mapping system, that's the GIS

1 mapping system, meeting the minium standards set forth by the
2 Tennessee Emergency Communications Board.

3 MR. HAYNES: Mr. Chairman, it's my
4 understanding that it's counsel's interpretation that the law
5 permits the state board to exercise this authority, it is a
6 state's authority by statute to set technical operational
7 standards when it comes to E-911 as it relates to Phase II.

8 CHAIR PORTER: You heard the staff's
9 recommendation on Policy No. 20, basically it would put in
10 effect that one year after April 1st, that would make it April
11 1st, 2005, that every PSAP that answers 911 calls should have
12 in place a GIS mapping system which automatically locates both
13 landline and wireless calls that is set forth by the GIS
14 minimum standards that we adopted two or more years ago.

15 The money is sitting out there. The \$50,000
16 grants -- \$50,000 reimbursement and 10,000 in grants. And it
17 is sitting out there for those counties who have not done this.
18 I don't know of many places -- the large -- large districts
19 with the 50,000, and most of the smaller counties we see that
20 haven't done this yet that do their own budget and not be out
21 any money.

22 What's the will of the Board?

23 MEMBER MOODY: Mr. Chairman, I would move
24 for approval. And I want to ask a question after a second.

25 CHAIR PORTER: Ms. Moody moved to approve.

1 Got a second?

2 MR. BILBREY: I'll second.

3 CHAIR PORTER: Ms. Wanda.

4 MEMBER MOODY: My question is this, in doing
5 this are 911 districts encouraged to cooperate with other
6 governmental entities in that respect, the county that has one
7 GIS system? I've heard some people talking, some county
8 commissioners and some members of the board or alderman say to
9 me that in our county we've got the GIS system and we've got
10 the county doing one and we've got 911 doing one and there's a
11 lot of confusion. And I just wonder -- and to me that's a
12 waste of taxpayer dollars.

13 What about that, Anthony? Is there any way
14 to try to address that duplication of efforts?

15 MEMBER VICKERS: Mr. Chairman, some of them
16 have not paid for a mapping system.

17 CHAIR PORTER: Right.

18 MEMBER VICKERS: Some of the mapping systems
19 that we ran into where we are in West Tennessee wasn't
20 compatible, we couldn't use it to do what we wanted to do with
21 it. Like the gas company had one and we weren't able to use
22 their mapping system to do what we wanted to do. So we had to
23 go a different -- a different route.

24 CHAIR PORTER: I've heard both sides of
25 that, and I agree with Johnny, there are some places that has

1 mapping that is useless in 911, different data sets and so
2 forth that weren't really compatible with what 911 needed to
3 do.

4 And I've seen just what you're talking about, that you've got
5 three or four different entities in the county trying to do the
6 same thing. And I agree, that's something -- we probably need
7 to look at it. If there's some way we can urge those folks to
8 go together, to try to work together, why, it makes since.

9 MS. QUESTELL: If you'll give me the
10 opportunity I'd like to try redrafting this policy so that it
11 takes into consideration Ms. Wanda's concern because we don't
12 want duplication. The General Assembly has made it clear that
13 it encourages and wants cooperation between governmental
14 entities. And that is really a good point.

15 MEMBER MOODY: Well, I know in Knox County,
16 for example, we have had a GIS mapping system for a long time.
17 And we have all of the utilities, all of the planning
18 commission, and everybody uses it. And it's just common
19 knowledge that if, you know, if want to find out some
20 information you go to the GIS. And there's, you know, no
21 protection turf or turf protection or that sort of thing. And
22 it works very, very well.

23 MEMBER VICKERS: There again, that brings up
24 the big city and small areas. A lot of rural counties I don't
25 think even have GIS at the present time. I concur a 100

1 percent what we want to do is cooperation, we probably have to
2 move that effective date out because a lot of them don't have
3 anything within their files to start negotiating that between
4 the county 911 or the city, or whatever word you might use.

5 MEMBER MOODY: I think we can start
6 encouraging cooperation rather than -- as I say, I've heard,
7 it's been said to me that they've got three different kinds of
8 programs of mapping systems going on within a respective
9 county. And, you know, that seems a little foolish to me.

10 CHAIR PORTER: Ms. Wanda, what about if you
11 added a statement to this policy that said that the ECB
12 recommends that 911 districts, if possible -- and in some cases
13 I don't know that it's possible -- work together with the other
14 city and county utilities in their county to try to work on
15 making one GIS mapping system instead of creating another one.

16 MEMBER MOODY: I think that's fine.

17 CHAIR PORTER: Is that something you would
18 like to amend --

19 MEMBER MOODY: I'd be happy to add that as
20 part of it. And I will leave that to general counsel to draft
21 it into the language, but the concept is there.

22 CHAIR PORTER: Member Bilbrey, is that --

23 MEMBER BILBREY: That's fine, that's what we
24 need to do.

25 CHAIR PORTER: So that would make the motion

1 to add Policy No. 20 but counsel adding another sentence or two
2 to that, to encourage that the 911 work with the other
3 municipalities in their county and utilities and so forth to
4 try to come up with one, if you can. And if it's not
5 possible --

6 MEMBER VICKERS: Mr. Chairman, let me say
7 something else on that part. We are hoping in Gibson County
8 and all -- and as we get ours set up and all, that anybody in
9 our county will be able to use it. And that's our intention.

10 CHAIR PORTER: And we understand the point
11 of circumstances.

12 Other comments or questions, discussion?

13 MEMBER LOWRY: Do we have an update from the
14 state mapping program?

15 MR. HAYNES: I don't have any recent
16 updates. And what Board Member Lowry is referring to is the
17 contract for the Department of Finance Administration and
18 Office of Information Resources on assembling all the states
19 GIS baseline maps from county to county to build and make one
20 compatible map statewide that would be available for any and
21 all 911 districts.

22 This board had entered into that contract to
23 the tune of about 1.2, \$1.3 million -- pardon me -- 1.2, \$1.3
24 million which would be paid over three years. And this is
25 being done by the Office of Information Resources, state

1 government. In terms of seeing completion of that project I
2 have not asked for a report on that, but I'll be glad to do so
3 and inform the board by e-mail or whatever means necessary to
4 give you an update.

5 MEMBER MOODY: Also, I'm wondering once
6 these policies are approved by this board, what's your plan for
7 dissemination?

8 CHAIR PORTER: The ultimate goal, Wanda, is
9 to have a statewide GIS map --

10 MEMBER MOODY: No, no. I'm -- I'm just
11 talking about housekeeping. In other words, how are you going
12 to communicate these policies?

13 CHAIR PORTER: Can the staff answer that?

14 MR. HAYNES: What we are going to be doing
15 is posting all -- as a matter of fact this is one of the first
16 recommendations your new general counsel had on the job, is
17 posting all the board's policies on its website so that any and
18 all from the general public, the 911 community, the telecom
19 community would have an opportunity to become familiar with
20 those.

21 At some point in time, I've spoke with
22 general counsel about compiling a number of items together in
23 one document, it would be everything from a copy of the state
24 law to other laws that apply to the 911 districts as well as
25 the ECB's policies and revenue standards. I guess for the lack

1 of a better term it would basically be a handbook that we would
2 compile and distribute that to everyone, every 911 district,
3 free of charge.

4 So those were the -- the two or three
5 primary ways other than that we would -- other than an additional
6 mailing to make the people informed of these changed policies,
7 or the new policies, that we would make them available on a
8 continuing basis.

9 MEMBER MOODY: So in other words, after this
10 meeting you will be sending out to all the 911 districts a copy
11 of all of these policies that are approved today?

12 MR. HAYNES: That is correct. Definitely.

13 MEMBER MOODY: That's good to know.

14 CHAIR PORTER: For the audience, for those
15 of you that might be new, what Anthony was discussing about the
16 contract we have with the base mapping program in the state of
17 Tennessee, our ultimate goal is to have a statewide GIS map
18 that you would have access to not only your county's data, but
19 your surrounding county's data.

20 And as you well know in PSAPs, when we get
21 911 calls, they don't necessarily follow county borders. With
22 wireless calls you may get a call from a county -- two counties
23 over from you. So our ultimate goal is that once you have the
24 data, the street and address data of those counties so that you
25 have -- you will be able to locate that call and give it to the

1 appropriate PSAP.

2 This, hopefully, is moving along well and in
3 our next meeting maybe we can get us an update on that.

4 MR. HAYNES: Mr. Chairman, just to add to
5 Board Member Moody's question, the last board meeting in
6 January the Board adopted a couple of the new policies in --
7 from what general counsel tells me, it has been her practice
8 that every time that that has happened she immediately does an
9 all district mailing to inform and explain the new board
10 policies.

11 CHAIR PORTER: Any other discussion or
12 questions?

13 MEMBER BEEHAN: Not only the policies, but
14 does that include like the opportunity for the grants we talked
15 about or reimbursements?

16 MR. HAYNES: Yes, it would.

17 CHAIR PORTER: Any other questions or
18 discussion?

19 The motion now on the floor is to approve
20 GIS mapping Policy No. 20, tagged to that encouraging districts
21 to work together with other municipalities in developing one
22 system.

23 Any other discussion?

24 All in favor say "aye."

25 THE BOARD: Aye.

1 CHAIR PORTER: All opposed like sign.

2 The next item on the agenda is to consider a
3 policy requiring the districts to inform the ECB in the event
4 they have a negative annual cash flow or default on any debt.

5 MR. HAYNES: Mr. Chairman, this kind of grew
6 out of our work with Jackson County. And not to -- not to --
7 Jackson County is going to get a lot of mention here this
8 morning, so it's not intended to hurt the feelings of the folks
9 that are here.

10 But half of the reason this board was
11 created was to provide financial oversight as well being able
12 to possibly help and jump in a financially distressed situation
13 with the local 911 districts with the key goal of insuring
14 continuity of local 911 operations and financial solvency of
15 those operations and to approve the 911 district from the
16 agency who chooses to implement the service.

17 With that said, the staff would recommend
18 this policy. It would help us, potentially, to catch a
19 problem. And this is not a -- I want to be very clear for the
20 district community on this, this is not a prying into your
21 business type issue. We already get the annual audits. We
22 already get the annual budgets. This is just a tool to help us
23 work together by establishing a policy that when we start to
24 see problems maybe we can jump in sooner rather than later.

25 Because the way current state law is, after

1 three years of being in the red, there's a lot of debt to be
2 incurred, and a lot of financial problems that can go
3 unaddressed. But what we're attempting to do is get ahead of
4 those instead of just always playing catchup. So that's why
5 the staff is recommending the policy that I'll ask the general
6 counsel to read to you at the present time.

7 MS. QUESTELL: Thank you. Proposed Policy
8 No. 21, effective -- excuse me -- effective April 1, 2004, all
9 emergency communications districts shall provide the Tennessee
10 Emergency Communications Board with notice in the event that
11 they are, (1) operating under an annual net loss, and/or (2) in
12 default on any debt. Such notice shall be provided in writing
13 within ten days of such event.

14 CHAIR PORTER: You heard the recommendation
15 of the staff to adopt Policy No. --

16 MR. HAYNES: 21.

17 CHAIR PORTER: -- 21 -- Policy No. 21 to
18 take effective April 1st, 2004, requiring local districts to
19 notify this board in a case of an operating net loss or any
20 default on any debt ten days in writing.

21 MEMBER VICKERS: Mr. Chairman, I make a
22 motion we adopt it.

23 CHAIR PORTER: Do I have a second?

24 MEMBER SHEFFIELD: Second.

25 CHAIR PORTER: Ms. Sheffield.

1 I have a motion and second to approve the
2 policy. Any discussion or questions?

3 Hearing none. All in favor say "aye."

4 THE BOARD: Aye.

5 CHAIR PORTER: All opposed like sign.

6 Motion carries.

7 The next item would be to elect a new vice
8 chairman. As you all know, Mr. Jerry Sharber resigned from the
9 ECB after serving several years. Mr. Sharber was the mayor of
10 Franklin, Tennessee and in the last election was defeated on a
11 bid for reelection and him being in the -- it worked for him --
12 he thought it would be best for him to resign. The governor
13 appointed Mr. Beehan in his place. And that leaves us a
14 vacancy with the vice chairman of the board.

15 So at this time I'll open up the floor for
16 nominations for vice chairman.

17 MEMBER LOWRY: I nominate Ms. Wanda Moody.

18 MEMBER VICKERS: Second.

19 CHAIR PORTER: Second? Mr. Vickers second.

20 I have a motion and a second that Ms. Wanda
21 Moody be nominated for vice chairman. Do I hear other
22 nominations?

23 MEMBER RICH: I move the nomination cease,
24 Mr. Chairman.

25 MEMBER BEEHAN: Second.

1 CHAIR PORTER: I've got a motion and a
2 second that all the nominations cease. All in favor say "aye."

3 THE BOARD: Aye.

4 CHAIR PORTER: All opposed like sign.
5 Motion carries.

6 We're back to the motion of Ms. Wanda Moody
7 being the vice chairman. All in favor say "aye."

8 THE BOARD: Aye.

9 CHAIR PORTER: All opposed like sign.
10 Congratulations.

11 MEMBER MOODY: Thank you. You made a
12 promise --

13 CHAIR PORTER: Now wait a minute.

14 MEMBER MOODY: -- that you wouldn't miss any
15 meetings.

16 CHAIR PORTER: That wasn't on the recording
17 I hope.

18 I appreciate Ms. Wanda. She's been on the
19 board, like a couple of others here, since day one, and I think
20 she will make a fine vice chairman.

21 The next item on the agenda is to consider
22 use of request for -- or consider the use of a RFP process for
23 developing technical services and so forth. Anthony, can you
24 talk about that.

25 MR. HAYNES: Thank you, Mr. Chairman.

1 Staff would like to, as required by our laws, and I think even
2 our policy, the technical director by policy of the board is
3 able to use the board's authority to enter into contracts with
4 the board's approval. And the board, unlike the 20 other -- of
5 course, we're administratively attached, but the 20 other some
6 odd boards who -- that are a part of the Department of Commerce
7 don't have this kind of unique authority.

8 So with that said, what I would like to
9 bring up to the board, Rex Holloway of Rex Holloway and
10 Associates has provided us with general technical consulting
11 services for the last two years, since I've been here. He has
12 done an outstanding job. I mean, it's just -- he's been --
13 he's been there 24 hours a day any day of the week and not
14 enough good things can be said about the fine job that Rex has
15 done not only for this board but helping the 911 centers around
16 this state.

17 With that said, Rex's contract is coming to
18 an end, or the contract was written -- can be drawn up for a
19 number of years, all the way up to five years, but there was a
20 cap on it, a limit to the dollar amount, and we are -- we're
21 going to run against that cap in the middle of the next fiscal
22 year.

23 Rex Holloway is working on a sole source
24 contract. When Rex Holloway was -- entered into a contract
25 with this board, this board, from what I understand from my

1 predecessor and other people around this department, this board
2 had made an attempt to nationally advertize the need of
3 consulting services through the NENA -- the NENA list server.
4 No interest came from that.

5 There was someone that in a second round of
6 advertizement, so to speak, there was only one individual that
7 expressed an interest and it was determined that they had a
8 conflict of interest that they weren't willing to resolve. So
9 it was back to the advise that I am told that this board was
10 given by the fiscal officer of this department, this would have
11 been about two, two and a half years ago, that if you can find
12 anybody willing to do your work you need to just do a sole
13 source contract.

14 Well, as we he know now, the General
15 Assembly, as well as this governor, Governor Bredesen, frowns
16 very much on that type of contracting system, and not for
17 anything that this board or this department has done, but I
18 think it's been the tendency of the state government over too
19 many years to become too reliant and too comfortable with just
20 issuing sole source contracts.

21 I think that's a commendable step in the
22 right direction, and in order to -- to march in step with that,
23 so to speak, in good faith, I think that the board should
24 authorize the staff to issued a Request for Proposals through
25 the Department. And this is a very sound process. There's a

1 committee that will review these, make recommendations on a
2 competitive bid process of who would be providing our general
3 technical consulting services. This would be everything from
4 picking the phone up and calling them and asking them about
5 certain pieces of technology or problems, making PSAP visits,
6 rate increase visits, et cetera. But it is -- there is, I
7 think, also a structure that we recommended on that.

8 General Counsel, do you have some
9 information that we discussed on that in terms on the structure
10 if we look at the docket.

11 MS. QUESTELL: On the agenda it states that
12 we would have two fee structures, one a flat retainer, and one
13 a rate structure for out-of-pocket time and expense. I've been
14 informed that getting the flat retainer idea through state
15 government would be extremely challenging and frowned upon and
16 it would be wiser to go for a base hourly rate, an in-office
17 hourly rate and an hourly rate for the travel to the districts.

18 And that's what I would recommend instead of
19 what the agenda says about the flat retainer.

20 MR. HAYNES: I wanted to add the second RFP.
21 Staff would like your permission to do a RFP for and enter
22 into, and that would be the process to develop a statewide
23 technical standard for 911 landline and wireless. There are a
24 few states out there that I'm aware of that has such a
25 standard. It very descriptive. It is to help to insure

1 compatibility to the telecommunications network. It is to help
2 insure that you are getting advanced network components when
3 you need them.

4 It's basically a standard that would hold
5 the state's works toward PSAP, telecommunications industry,
6 et cetera. One I'm most familiar with is one issue from
7 Massachusetts that I have reviewed, and that was mostly for
8 landline and I think maybe Phase I. I don't think they had the
9 capability to do Phase II.

10 But we are currently without a technical
11 standard in this state. And I think that given how
12 technologically intense the 911 industry is with multiple
13 telephone companies, not just one or two lax or R box, diverse
14 telephone companies, diverse infrastructure, some using more
15 advance than others, the different pieces of equipment the
16 vendors are selling -- when we were at the point of Phase II
17 with the carriers everybody would think, in some cases, that
18 their equipment was ready, only to find out that the equipment
19 vendor didn't have it completely ready for Phase II and the
20 PSAP had to buy yet one more software application to make the
21 equipment ready to deliver Phase II data.

22 I think this technical standard would be an
23 asset to the industry, an asset to the districts, and it would
24 be an asset to the -- to the board in having such a technical
25 document prepared that we all would work with. It would be a

1 dynamic document as technology moves us ahead. And I would
2 like to ask the board's support for entering into these
3 two-part RFP processes, these two products.

4 CHAIR PORTER: You've heard the request from
5 the staff, what's the will of the Board?

6 MEMBER BEEHAN: I would move that the Board
7 accept the recommendation.

8 CHAIR PORTER: I have a motion. Do I have a
9 second?

10 MEMBER BILBREY: Second.

11 MEMBER BEEHAN: Mr. Chairman, I would like
12 to make a comment. As a new board member and also appointed by
13 the governor -- as a new board member and then being appointed
14 by the governor I support the RFP proposal. I think it's good
15 business. It's duly noted that we apparently got good services
16 in light of the way we do business. I think it's the right
17 thing to do to be involved in this.

18 CHAIR PORTER: Other discussion?

19 Hearing none, all in favor say "aye."

20 THE BOARD: Aye.

21 CHAIR PORTER: All opposed like sign.

22 Motion carries.

23 Next item?

24 MR. HAYNES: Mr. Chairman, our last proposed
25 policy would be Proposed ECB Policy No. 22 regarding just some

1 general policies capturing the intent of the board so that
2 you're already on record for E-911 services related to Voice --
3 VoIP -- Voicer Over Internet Protocol and Voice Over Network
4 Technologies and Services. And I'd ask the general counsel to
5 read the proposed policy.

6 MS. QUESTELL: The proposed policy is as
7 follows: The Tennessee Emergency Communications Board hereby
8 adopts the following policies on Voice Over Internet Protocol
9 or VoIP as it relates to emergency communications: (1)
10 consumers should be provided with notice of the extent to which
11 their Voice Override P technology is about to accurately locate
12 them for emergency communications purposes; (2) location
13 technology should be required on all Voice Override P
14 technology; and (3) providers of Voice Override P should be
15 required to assist in maintaining the funding of 911 resources
16 at a level equivalent to those generated by current or evolving
17 funding processes.

18 I just want to speak to this, that this is
19 simply a policy. We don't really have any power or
20 jurisdiction over Voice Override P decisions. It's essentially
21 an expression of opinion. The federal government is -- is
22 controlling this issue right now, the FCC. But you are just
23 simply voicing your opinion about this. Thank you.

24 CHAIR PORTER: You heard the recommendation
25 of the staff on Policy No. 22. I will say that Anthony and I

1 and Buddy Shaffer, and some others, while we were in
2 Washington, this was one of the hot topics today. And this is
3 going on in Washington right now. And we lobbied strongly all
4 of the Tennessee delegation while we were there, not only
5 trying to make sure that Tennessee didn't miss out on 911
6 grants, but at the same time to make sure that they address
7 this voice issue, basically someone being able to make a
8 telephone call across either DSL or cable or dial-up internet
9 lines and making sure that 911 was taken care of so they could
10 locate those calls.

11 I think by the FCC document that came out
12 yesterday, we saw it was asking to setting up a time period for
13 recommendations and discussion, 60 days on the -- and 911 is a
14 big part of that document and there's several pages that
15 involve 911. And they're very concerned about what -- what
16 this technology and the kind of need that it will have when it
17 comes to 911.

18 So -- I mean, it would well serve this board
19 to go on record of supporting this policy and as we work
20 towards this new technology and see -- and be able to recommend
21 and make recommendations to the FCC on ways that we think that
22 maybe it will help when it comes to the involvement with 911 in
23 Tennessee.

24 You've heard the recommendation, what's the
25 will of the Board?

1 MEMBER SHEFFIELD: I move we approve.

2 CHAIR PORTER: Do I have a second?

3 MEMBER VICKERS: Second.

4 CHAIR PORTER: Second from Mr. Vickers.
5 Discussion?

6 Hearing none, all in favor say "aye."

7 THE BOARD: Aye.

8 CHAIR PORTER: All opposed like sign.

9 Motion carries.

10 Okay. Anthony has one more item.

11 MR. HAYNES: Mr. Chairman, something that
12 was not on the agenda that just came to mind that I felt like I
13 should brief the board, as well as the people in the audience
14 and anyone maybe listening.

15 With the blessing of the board, staff has
16 spent considerable time working with the powers in be
17 Washington on this new federal E-911 bill that everyone is
18 aware of. There is a House version. There is a Senate
19 version. What the people in the state of Tennessee need to
20 know are two very important things.

21 The bill that allows us to move farther in
22 this state, ahead and advance in E-911 technology that creates
23 federal grants that PSAPs, state board, PSAPs alike could use
24 out of this process, Senator Burns and Senator Clinton's bill,
25 also know as S1250.

1 The House bill, although it has some worthy
2 causes in it, when it comes down to the money, the way it is
3 written, it is for Phase II implementation only. We're going
4 to be done. Which means we're not going to get any federal
5 grants. We're not going to get any federal funding if that
6 legislation passes.

7 Regardless of how either one passes right
8 now, we heard this in Washington from both House and Senate
9 staff, it's the intent of staff to direct a 500,000 -- excuse
10 me, a \$500 million per year authorization on the Senate side,
11 \$100 million authorization on the House side. Let's be quite
12 frank, I'll be surprised if it gets 20, 25 million in annual
13 appropriations with that intensive scoring that will be
14 required of that bill.

15 But nonetheless, that is money that PSAPs
16 will not get in the state of Tennessee simply because it is the
17 intent of staff that this be used in areas that have not
18 achieved Phase II implementation.

19 What we have been working very hard with for
20 the last four to six months with the Tennessee Congressional
21 Delegation, as well as the two senators included in that
22 delegation, is some language in the form of a bill amendment or
23 even a colloquy on the floor of the United States Senate so
24 that when this bill comes through we have a marker down that it
25 is not the intent of Congress that any state receive less

1 priority than any other or be penalized for its progress and
2 leadership for E-911 implementation.

3 As we have heard today from PSAPs in the
4 audience, there is still financial needs in the state of
5 Tennessee even though we paid -- although we will pay the
6 cellular companies for the equipment at the towers and we have
7 paid for the installation and technology in a lot of PSAPs,
8 that doesn't mean they're not major challenges in the areas of
9 training needs, advance technology in terms of network that can
10 be built in the state of Tennessee that gives us more data on
11 incidences, connecting PSAPs, GIS mapping.

12 All of those, the state of Tennessee would
13 be excluded from if we don't get a legislative history
14 established with the bill that passes. We've been working very
15 closely with Senator Lamar Alexander's office, who I hope will
16 come through for us in the end. We've spoken with Senator
17 Frist' staff about it too. We're hoping that Congressman Bart
18 Gordon will be our safety net on the House side since he's on
19 the telecom subcommittee at the House of Representatives.

20 But what I want the folks listening today to
21 know -- to know is, that we not only we need Senator Burns'
22 bill as 1250 but we also need this legislative history
23 established or Tennesseans are going to lose out on a lot of
24 federal grant money that will be provided by the federal
25 government in as early as 12 to 15 months from today.

1 CHAIR PORTER: Anything else on that item?

2 MR. HAYNES: Yes, sir, I'd just point out
3 that the two people that the board had asked plaques be
4 prepared for to show their appreciation could not be with us
5 today, Steve Lane of Rutherford County 911 and Bobby Thompson
6 formerly with BellSouth and now with Holloway and Associates.
7 We'll do that at another meeting.

8 CHAIR PORTER: Right now we've be at it
9 an hour and 40 minutes, so I'd like to just take about a
10 ten-minute recess and then come back and finish our agenda.

11 (Break in proceedings.)

12 CHAIR PORTER: Okay. We'll come back into
13 session. The next item on our agenda, we'd like to move one
14 up, if you don't mind. Item number 4, tab number 12 is
15 consider the cost recovery requests, Clear Talk, I'd like to do
16 that next. And I think Anthony has a recommendation.

17 MR. HAYNES: Mr. Chairman, as the board set
18 its procedures back in January to approve the cost recovery in
19 a board meeting, all of the carrier's numbers, subscribers,
20 technology use, and vendors that they're using are all
21 confidential and proprietary information. It kind of poses a
22 challenge to talk to about something in an opening meeting,
23 when you talk about someone's confidential and proprietary
24 data. But we face the very same challenge that the Tennessee
25 Regulatory faces with any carrier on tariffs and what other

1 matters may be before it.

2 So at this time, Mr. Chairman, what I would
3 recommend -- the staff recommends approval of the cost recovery
4 requests for Phase I and Phase II, they are FCC Tier 3 rural
5 carrier. I think they are only in two counties, one in -- one
6 in West Tennessee, one in Middle Tennessee, and parts of two
7 more counties expanding into a second county in -- in West
8 Tennessee. And the staff recommends approval of the cost
9 recovery request at this time.

10 CHAIR PORTER: You heard the recommendation
11 of the staff. Just remember, folks, in a cost recovery during
12 our ECB meeting not to be mentioning numbers, those are
13 proprietary and confidential and so -- you've had an
14 opportunity, all of you, to review the cost recovery upstairs
15 prior to the meeting. What's the will of the board?

16 MEMBER LOWRY: I move we approve it.

17 CHAIR PORTER: Do I have a second?

18 MEMBER RICH: Second.

19 CHAIR PORTER: Got a motion and a second
20 that we approve the cost recovery request from Clear Talk
21 Wireless as presented by staff. Any discussion?

22 Hearing none, all in favor say "aye."

23 THE BOARD: Aye.

24 CHAIR PORTER: All opposed like sign.

25 Motion carries.

1 Due to a conflict that we have with the
2 Cheatham County folks that are here, and I notice some folks,
3 some law enforcement folks that have to get back to the county,
4 I'm going to ask that we move to hear Cheatham County. I think
5 it will be very brief, but ask if we can hear Cheatham County
6 next and sort of allow the police officers to get back to town.

7 And also on your agenda, Bledsoe County,
8 consider the rate increase, that has been removed from the
9 agenda due to some folks not being able to be here.

10 And item number 7 on Sequatchie County,
11 we're going to still discuss it just briefly.

12 So will the Cheatham County folks come
13 forward?

14 What Cheatham County -- this action item is
15 to consider a request to alter the expenditures that -- we gave
16 Cheatham County a rate increase request last year and they have
17 asked to be heard about these modifications.

18 MR. HAYNES: Mr. Chairman, I just want to
19 point out for the record that the staff had talked to the
20 chairman, the chairman contacted us, and we just recommended
21 that since they had received a rate increase conditional on --
22 correct me if I'm wrong, Mr. Chairman -- but a tower purchase
23 installation and all the costs that go along with that versus
24 what they have since decided that's in the best interest to
25 pursue a tower leasing type of arrangement, that the staff just

1 wanted to give them an opportunity -- because you-all in the
2 past, when you heard rate cases where you approved the rate and
3 some of the board members expressed a little bit of unhappiness
4 that the said items weren't pursued on a certain time line or
5 weren't ultimately purchased.

6 So this is actually a good faith effort on
7 behalf of Cheatham County to come before you and tell you that
8 their thinking has changed. And I don't want to speak out of
9 turn here, but I think they want to keep their rate increase
10 request and be able to convince you that there are other needs
11 that they have that they would equally like to address with
12 what you provided in that rate increase.

13 MR. BURTON: That's correct.

14 CHAIR PORTER: State your name.

15 MR. BURTON: My name is Richard Burton. I'm
16 the chairman of Cheatham County 911. And, of course, I called
17 Mr. Haynes. At the time we came to you-all last year and
18 you-all approved our rate increase our sole purpose was to
19 build one tower. And at the time we had a bid for 400-and-some
20 thousand dollars.

21 So you-all approved our rate increase. But
22 since that time we've met a tower company that's got -- they
23 got approximately nine different towers in our county. And
24 they came to us with a proposal that they would lease us as
25 many of those towers that we could use for a set amount per

1 month.

2 And so what we looked at with the county
3 mayor and the board members and everything else is, if we keep
4 this rate increase and put it towards this lease and buy the
5 equipment for leasing towers, if we go with it, we're looking
6 at maybe four to six towers that would cover, they're saying
7 probably 95 percent of our county. Whereas with the one tower
8 we were going to have to -- probably be covering maybe 60 --
9 60 percent, and we'd have to put up two repeaters somewhere
10 else.

11 At the time that we came to you-all we had
12 talked to this company and there was just no way we could
13 afford to lease from them because the amount was too high.
14 Since then they have come down extremely. And we have looked
15 at this, and we're having a study done right now so see which
16 towers that they have that would help us at the county and how
17 many we can use. And it's probably going to be -- right now
18 we're looking at probably four versus just putting up one
19 tower. And, of course, if we go with four towers we'll have to
20 have a generator and, you know, different equipment at each one
21 of the sites.

22 And I just wanted the Board to be aware of
23 what we was looking at because initially we came and asked for
24 one tower. And this was way we're going to be getting better
25 coverage for the whole county. And, you know, we just want to

1 know if we can keep the rate increase and if we do go with this
2 leased deal on these other towers, and put the rate increase
3 for additional equipment on those towers if we do the leasing
4 deal.

5 CHAIR PORTER: You heard the request from
6 Cheatham County. Let me make sure that we understand, is that
7 in your initial rate increase request you had asked for -- to
8 use part of the money to construct a new tower --

9 MR. BURTON: One tower.

10 CHAIR PORTER: -- that the district would
11 own?

12 MR. BURTON: Right. Because right now we're
13 on a water tank that belongs to the town of Ashland City and
14 they've been very nice, you know, we've been up there ever
15 since we've been in operation. And they have asked us to move
16 the antenna and -- just as soon as we can. But that's -- you
17 know, right now we're just kind of at a standstill, we're
18 trying to see which is going to be the best way to go.

19 CHAIR PORTER: And since then you've been
20 working -- you just found out this tower company already has
21 towers in your county?

22 MR. BURTON: Right. Crown Castle.

23 CHAIR PORTER: That you can lease space from
24 them, put your radios up. So you'd like to go in that
25 direction instead of building a tower; Is that right?

1 MR. BURTON: That's right. Right.

2 MEMBER MOODY: Question. Do you have any
3 kind of long-term guarantee in terms of what the lease would be
4 on those towers?

5 MR. BURTON: They told us that they would
6 write up -- of course, there was a lot of questions asked in
7 our meeting. They would write us a lease up for as long as we
8 wanted it. But then we turned around and said, asked them,
9 well, if -- if you write it for 50 years, who's to say you're
10 going to own the towers for 50 years. Cause, you know, people
11 do go out of business or get bought out from other companies.
12 And they said -- and we had counsel there with us. And they
13 would write the agreement ever how we needed it to benefit us.
14 So if they did sell out that those new buyers had to keep us on
15 the towers at the end of whatever.

16 MEMBER MOODY: Well, what about the cost?
17 What kind of lease agreement terms of --

18 MR. BURTON: Per tower?

19 MEMBER MOODY: Are they going to increase
20 the fees after a short period of time?

21 MR. BURTON: They said at -- was it five
22 years, Mike?

23 I think they -- we talked about two
24 different ways, five -- three to five years, negotiable with
25 two percent interest.

1 MEMBER MOODY: At two percent annually?

2 MR. BURTON: Yes, ma'am.

3 MEMBER BILBREY: Do you have any financials
4 on this, like you did last time? Do you remember when you came
5 before you had to provide a lot of information --

6 MR. BURTON: What they initially started out
7 before we came to you-all and asked you for a rate increase, we
8 had initially called them, they wanted \$1200 per tower. Since
9 then they've come down to \$600 per tower.

10 MEMBER BILBREY: Well, what I'm talking
11 about, though, is your rate increase and longtime usage and all
12 that. We'd like to see some projections. And I think our
13 people would, you know, want projections later on. But we
14 don't have anything at all right now. I haven't seen anything
15 money-wise on anything you're talking about.

16 MR. HAYNES: And I should probably speak to
17 that. That's actually the staff's fault because we -- we
18 thought -- the staff's thought process on it was, is that all
19 the district's budget projections, audits, cash flow
20 projections for future five years based on that rate increase,
21 the Board had already had those. It had seen the economic
22 situation and agreed to do it.

23 We felt -- and if I was wrong, Mr. Member
24 Bilbrey, I'll take responsibility for it. I had told Cheatham
25 County not -- you know, not to redo all that work we just did a

1 few weeks ago -- I guess it was probably a couple of months
2 ago -- that we already had it, and to talk about the issue at
3 hand of the economic -- or the cost difference between what
4 they were going to buy as opposed to what they were going to
5 lease, and the extra monies that were left over, what they
6 wanted to use them for.

7 MEMBER BILBREY: That's what I'm asking for.
8 We don't have that.

9 MR. HAYNES: Yeah. We shouldn't hold the
10 district accountable for not having that. Because the staff --
11 it was the staff's mistake, evidentially, that you would be
12 wanting that.

13 MEMBER BILBREY: Yeah. We can't -- or I
14 can't make a logical decision unless I have that.

15 MR. BURTON: Well, I'll be -- you know,
16 we'll be glad to give whatever information you want and bring
17 it back to you. That will be fine.

18 MEMBER BEEHAN: Could you tell us today,
19 when you bring it back, if you wish to allocate part of the
20 increase to other areas? Can you identify those other areas?

21 MR. BURTON: Well, what it is, you know, I
22 just said awhile ago, if we go with the lease on these towers
23 we'll have to have a generator at each site. You know, if we
24 go four or five, we're going to put four generators out and
25 whatever additional equipment we'll have to have at that site

1 to operate off of.

2 MEMBER BEEHAN: You're going to identify
3 that --

4 MR. BURTON: Right. And see, we're having
5 an ariel study done right now to see what towers that we can
6 actually use that would benefit us to get the full coverage out
7 of them.

8 MEMBER BEEHAN: And that would probably be
9 included in your request --

10 MR. BURTON: Yes.

11 MEMBER BILBREY: You're really saying that
12 all of the increase, then, is going to be used up in whatever
13 equipment is going to be needed to support the lease?

14 MR. BURTON: Well, for the lease and the
15 equipment too.

16 MEMBER BILBREY: Okay. And the equipment
17 too. And the equipment too, is that additional equipment above
18 and beyond tower equipment?

19 MR. BURTON: Yes, sir.

20 MEMBER BILBREY: Other equipment for the --
21 for the district?

22 MR. HAYNES: I think all they're going to be
23 leasing is real estate on the tower. They're going to have to
24 provide primary power, emergency backup power, and any
25 redundancy related to that.

1 MR. BURTON: Yes, sir. Transmitters, lines
2 to the sites and all -- everything.

3 MR. HAYNES: So you're just -- you're just
4 leasing real estate on the tower, that's it?

5 MR. BURTON: That's it.

6 CHAIR PORTER: So basically the only thing
7 that is changing out of it is, instead of you actually building
8 your own tower, you're going to lease the actual tower space,
9 but everything else is still going to be provided by you?

10 MR. BURTON: Right.

11 MR. HAYNES: Long range, it's probably going
12 to cost you more but give you better coverage?

13 MR. BURTON: Well, the way we had it figured
14 up, in long range the proposed bid we had on building one
15 tower, we could lease four towers for 10 years and still not
16 have as much money in those four towers as we would have in
17 one.

18 CHAIR PORTER: Other questions or
19 discussion?

20 MEMBER BEEHAN: Let me ask for a
21 clarification. What kind of information --

22 CHAIR PORTER: They -- I think it was
23 November, it was October or November, this past year they came
24 with a rate increase request and presented us with a five-year
25 plan of where they would spend their money and everything. And

1 we approved their rate increase based on those figures. What
2 they're coming back now and asking for is, instead of building
3 a tower, that they be allowed to lease the tower space and
4 still do the project that it was doing.

5 I think what Anthony said is that he didn't
6 feel like there was any need to redo all of those numbers again
7 since it had just been done three months ago and the only thing
8 they're changing is the lease.

9 I think Mr. Bilbrey, though, he questioned
10 that he wanted your numbers.

11 MEMBER BILBREY: See, there's a difference
12 in what they are buying and what they proposed to buy before.
13 And then there's going to be money, so I understand, left over.
14 And that money that is going to be left over is going to be
15 used for something else. Therefore, I would like to know what
16 else it's going to be used for and how much.

17 BOARD MEMBER: Whatever the discrepancy, you
18 know those factors that are needed --

19 MEMBER BILBREY: And it's not that it's
20 wrong or anything, we just don't know. And it's one thing, you
21 know, to hear it and another --

22 MR. BURTON: Right. I understand.

23 CHAIR PORTER: Rex.

24 MR. HOLLOWAY: Mr. Chairman, I just want to
25 clarify one thing. You know, I did they --

1 CHAIR PORTER: Give your name and
2 everything.

3 MR. HOLLOWAY: Rex Holloway, again.

4 When I did a report for them a couple of
5 months ago, I don't think we clarified this. But they're not
6 really being run off the tower, you know, that's owned by C&C.
7 We had a vapor project, so that's why they're having to come
8 off the tower. I didn't want the city to look bad.

9 MEMBER LOWRY: I guess one big question I
10 had, is this going to stall them or delay their operation or
11 what's going on here if we don't approve it? Is it like at a
12 standstill until we have another meeting or --

13 MR. BURTON: Well, right now we're just --
14 right now we've already, we've got an individual that's doing
15 the study to see which towers are going to be feasible for us
16 to use and how high we're going to be able to put the antennas and
17 if we put them on -- they've got nine, and which ones are going
18 to be best for us. So we're having that study done right now.

19 So we can continue on with that until
20 you-all have your next meeting and we get the other figures to
21 you.

22 MEMBER BILBREY: So we're not going to slow
23 you down at all?

24 MR. BURTON: No, sir.

25 You know, I just wanted to come and let the

1 Board know what was going on because initially we came for one
2 tower, and then that's why I called the chairman and asked him
3 about it.

4 CHAIR PORTER: As long as everyone
5 understands their phone company has already put the rate
6 request in. It's already being received now. So as long as
7 anybody doesn't have any problems with that continuing. We
8 wouldn't want go take it off and put it back on.

9 MR. BURTON: Excuse me. And the only other
10 thing I can say, you know, of course, I don't expect you-all to
11 make a decision today because you want those figures and I
12 understand that, But I wasn't aware I needed to bring those or
13 I would try to have them.

14 The only thing it may hinder us in doing is
15 maybe signing a lease on the towers. But we hadn't decided
16 which ones or how many yet. So that's the only thing I can
17 tell you that it may hold us up on.

18 MEMBER MOODY: Well, I would hope that --
19 obviously, the company is willing to negotiate. And I would
20 hope that you would negotiate a long-term lease and that you
21 would look very carefully at what the increases are over a
22 period of time, and really look real closely at those
23 components of that lease. Because I think that's important.

24 I agree with you, I think it's a good idea
25 if you can use an existing tower rather than have to erect

1 another one, because let's face it, those towers aren't the
2 prettiest things in the world.

3 MR. BURTON: Right.

4 MEMBER MOODY: But I realize that they're
5 important and we have to have them. But anytime we can
6 co-locate, I think that's a plus.

7 MEMBER BILBREY: The other thing is, you're
8 talking about owning the towers and so forth, they may no
9 longer own it at some point in time, you need some type of
10 termination clause in there as to what you guys would want to
11 do if they should no longer own it. You know, you need a
12 period of time to make some sort of a complete --

13 MR. BURTON: We had talked -- we've already
14 talked to them about that, if that did come up.

15 MEMBER BILBREY: Okay. But you are going to
16 put it in the contract, aren't you?

17 MR. BURTON: Absolutely, yes, sir.

18 MR. MAHN: Mr. Chairman, thank you very
19 much for -- first of all, I want to thank Mr. Haynes for
20 allowing us to be able to speak in this matter.

21 There is a real public safety problem as far
22 as communications go in Cheatham County. Cheatham County has a
23 very difficult terrain also, and they're trying to get a public
24 safety solution by this option.

25 To the vice chairman's questions, we're very

1 good on the lease. We need revenue authority. And we need --
2 we need it -- the Board's already granted it, and we hope it's
3 not withdrawn. Because with the revenue authority we know we
4 can make a financial commitment. Without that commitment we
5 can't bring anything to a lease and actually can't meaningfully
6 negotiate with Crown Castle.

7 I've gone through their lease, it's -- not a
8 lot of it's negotiable, but they're -- but to Cheatham County
9 to a certain extent. We don't know whether this will be the
10 best long-term fit for us because we want to make sure how they
11 use the tower, if we don't sell out on it, whether there's what
12 they call monitoring ranging interference, whether we get on
13 the top of the pecking order to get the coverages and all
14 this. And so we would much rather work under -- with the
15 recommendation from Mr. Haynes, so that if we're able to -- if
16 we think we need to exit and go into another solution, we can
17 come apply back to you.

18 And so what I'm saying, I guess,
19 Mr. Bilbrey, is, we can do annual financial projections, but
20 I do not think it's going to be in the interest of the district
21 to lock in for a long period of time until we get some
22 experience doing this with the private provider that controls
23 the public safety network.

24 CHAIR PORTER: Let me say one thing,
25 Mr. Beehan, and I'll recognize you. The only thing that in my

1 discussions, mine and Anthony's discussions, the thoughts was
2 that we don't want to get too deep in the local district's
3 decisions. You know, whether you lease or build is your
4 decision not ours, and I think that's -- I think that's your
5 right, not necessarily the Board's.

6 But what we got is, since they asked for a
7 rate increase request, we constantly are getting audits and
8 budgets and everything from them for a period that we can
9 review -- you know, the Board at anytime can say, hey, you're
10 building up too much money or you're doing this or that and ask
11 you to come back and be heard by the board and request that.

12 So that's -- Charles, I'll take some of that
13 blame too for not having them have documents today. But we
14 felt like that this was just part of their process of going
15 ahead and working out things that we already approved for them.
16 So that's -- I wanted to make sure that --

17 MEMBER BEEHAN: The only thing that I have
18 to say, it sounded like there was a proposal made for a certain
19 amount of money for a certain project and it's going to cost
20 less, they'll have some money left over. Is that --

21 MR. HAYNES: You better let me take the lead
22 on this one, Mike. In this case what I perceived would
23 happen -- or the way that I perceived the situation was, we
24 weren't talking about a lot of cash becoming available. It was
25 merely that in good faith the district was coming here and

1 saying we told you we were going to do things this way, and
2 based on that representation this board granted this category
3 of increase in rates. We have a different approach we want to
4 take and we might have a few more things that we have to buy
5 like the -- to do the leasing option that otherwise wasn't in
6 the proposal.

7 And we talked about a previous rate case
8 where a district had been approved to buy a number of things,
9 that it hadn't begun really getting into procuring those things
10 yet, and given, I guess you could say the sensitivity of the
11 board toward that situation, I said why don't you just come in
12 good faith, and from what you tell me -- I think -- I don't
13 think that you need any more documentation, I think that if the
14 cost is going to be relatively within same, you should just
15 tell the board I've had a change in plans, are you-all okay
16 with it.

17 Really this is just a good faith effort just
18 to make sure that they didn't show up three years down the road
19 when you checked them out and said, wait a minute, you told us
20 you were going to do "X" but instead you did "Y." I was trying
21 to get a precedent started.

22 CHAIR PORTER: Questions?

23 MEMBER LOWRY: I was just going to say I
24 agree with the staff, we're getting too deep into their
25 business. I'd go ahead and move we should go ahead and let

1 them make the change.

2 CHAIR PORTER: Got a motion, got a second?

3 MEMBER BEEHAN: Second.

4 MEMBER BILBREY: I would say one thing
5 before you second that.

6 CHAIR PORTER: It's already second. We have
7 a motion and a second. Discussion?

8 Now, Charles, go ahead.

9 MEMBER BILBREY: We still need to see those
10 figures, or at least I want to see them even if it's after the
11 fact. Whether they come from there or you guys, I don't really
12 care. But I want to see what you are going to buy and how much
13 difference it is.

14 And I'm not saying that we don't agree or
15 will agree. We're not going to get into your business up there
16 as to how you do it. But what we agreed to on the first time
17 around was one thing and what we're doing now is something
18 else. And there may not be anything at all wrong with it, but
19 it is different.

20 MR. MORGAN: I understand.

21 MEMBER BILBREY: And you may have talked and
22 discussed it with staff, you know, and everything in detail,
23 and all, but we haven't seen it and we don't know. So after
24 the fact -- if everybody wants to go ahead with it, that's
25 fine. But I still want to see the numbers after the fact,

1 personally.

2 MR. BURTON: Mr. Chairman, that will be
3 fine. We'll get the figures together for you. And just as
4 soon as we get it together I'll let you know we've got it.
5 Whatever you want me to do, I' bring them up here and give them
6 to Mr. Haynes or whatever.

7 CHAIR PORTER: I guess that would -- we need
8 to make that in some form of a motion, that that's what we want
9 to do because the only motion we have right now on the floor is
10 to go ahead and approve it without providing documentation. So
11 if the Board's going to want something from them, we're going
12 to need to either make another motion or amend this motion
13 that's on the floor.

14 MEMBER BILBREY: Can we amend it at this
15 point or wait?

16 CHAIR PORTER: You can amend a motion right
17 now if you want to.

18 MEMBER BILBREY: I want to amend it right
19 now then.

20 CHAIR PORTER: We have a motion to amend.
21 And what do you want, Charles?

22 MEMBER BILBREY: I want those numbers even
23 if we have to have them after the fact.

24 MR. HAYNES: The numbers you're talking
25 about is the difference between --

1 MEMBER BILBREY: -- what it was
2 originally --
3 MR. HAYNES: -- verses the new proposal?
4 MEMBER BILBREY: Exactly.
5 MEMBER BEEHAN: I'll second.
6 CHAIR PORTER: I have a motion and a second
7 to amend the original motion that the district would have to
8 provide documentation of the changes in the way they're going
9 to do things and the difference in the cost and so forth. Is
10 that what you're thinking?
11 MEMBER BILBREY: Yes. Exactly.
12 CHAIR PORTER: Is that okay with the second?
13 MEMBER BEEHAN: Yes.
14 CHAIR PORTER: Anthony has a --
15 MR. HAYNES: Mr. Bilbrey, would it be
16 satisfactory if I work with the district and then provide those
17 to the board in the next public meeting? And I'm just thinking
18 about --
19 MEMBER BILBREY: That's fine. They don't
20 have to come back. I just want it.
21 MR. HAYNES: They have jobs -- this is a
22 volunteer leadership.
23 MEMBER BILBREY: You don't have to be here.
24 Just get the numbers here, that's all we ask.
25 CHAIR PORTER: Okay. You're going to vote

1 first on the amendment. Does everybody understand the
2 amendment?

3 All in favor of the amendment say "aye."

4 THE BOARD: Aye.

5 CHAIR PORTER: All opposed?

6 Motion carries on the amendment.

7 Okay. Now we're to the amended original
8 motion which goes ahead and allows them to continue and approve
9 the request, and that they provide documentation to the staff
10 and the staff will get it to the board. Any discussion on that
11 motion?

12 Hearing none, all in favor say "aye."

13 THE BOARD: Aye.

14 CHAIR PORTER: All opposed like sign.

15 Motion carries.

16 MR. BURTON: Thank you very much.

17 CHAIR PORTER: The next item on the agenda
18 is an update on the Jackson County Emergency Communications
19 District. I think we have several folks from Jackson County.
20 If you'll come up. I hope there's enough chairs, whoever is
21 going to speak today.

22 Anybody who is going to speak on behalf of
23 Jackson County, please come up and take a seat.

24 Okay. Starting in this direction

25 (indicating) would you introduce yourself and tell us who you

1 are and your position with the Jackson County Board.

2 MS. WARREN: Yes. My name is Ruth Warren,
3 but I'm referred to as Judge Warren all of my life. I'm the
4 Chair of the Jackson County 911 Board. And it's a pleasure to
5 be here with you.

6 MR. SMITH: My name is Michael Smith, I'm
7 acting director for Jackson County 911.

8 MR. MORGAN: Jim Morgan, I'm the secretary
9 of the Jackson County 911.

10 MR. ALLEN: Jeff Allen, vice chair of
11 Jackson County 911.

12 CHAIR PORTER: Okay. We appreciate each and
13 every one of you coming up today. And basically, I think, the
14 Board would like to hear an update on how things are going in
15 Jackson County. And then I'm sure -- there's a couple action
16 items we have. And then I'm sure there will be some questions
17 from some of the board members.

18 So to start with, I'd like to give whoever
19 needs to speak to give us a little update of how things are
20 going in Jackson County since our -- our teleconference where
21 we stepped in and helped the board in its distress.

22 MR. SMITH: Mr. Chairman, everything is
23 going as the board has requested it just fine. We're still
24 gathering information on things that we did and weren't aware
25 of as board members. We did have our audit, they're doing that

1 right now. Twin Lakes has given us a readout -- or the
2 printout of their audit. We're also doing an audit with them,
3 having them to compare their numbers and our numbers.

4 And whatever else -- I don't really know
5 what else to tell you, if you've got any questions I can try to
6 answer them.

7 CHAIR PORTER: For the benefit of Tom and
8 those that might not know that the Jackson County District
9 came, and what we consider, I guess, financially distressed, it
10 may not necessarily be the term of all the law, but they became
11 in default with money that they owed. And it all stemmed back
12 from a error at Twin Lakes Telephone Company, that suddenly,
13 when Twin Lakes Telephone did a computer change-out at the
14 telephone company on the billing and found out they had been
15 overpaying the district some \$47,000 a year on the 911 fees.

16 The Jackson County District had come and
17 asked this board for a rate increase request before that, and
18 they had based everything on these revenue numbers. So they
19 went out and built a new building, bought new 911 equipment,
20 and brought their center up to date. And then, after all this
21 was done, then found out later that the district was losing
22 this kind of revenue.

23 And then there was also some problems with
24 the director that there's at the time, he was not keeping the
25 board involved and up to date on the -- on the financial

1 problems they were having and wound up they were several
2 thousand dollars in the hole, owed a lot of folks a lot of
3 money, from the Internal Revenue Service to the bank that they
4 borrowed the note from to do their upgrade. So that gets you
5 up to date, hopefully.

6 So I guess now I'll open it up to staff or
7 the board members if you've got questions of Jackson County.

8 MR. HAYNES: Mr. Chairman, staff has
9 prepared some questions that we had previously shared yesterday
10 with the 911 district. I think it's important, just more as a
11 matter of course and procedure, to have those on the public
12 records, particularly for the benefit of Mr. Beehan here today.

13 Our first address on this was to do an
14 emergency board meeting in which the law allows, as you well
15 know being an officer, to do those things, if they're done the
16 right way. It was an emergency status. There was no -- if the
17 State Board hadn't stepped in there would have been no 911.
18 There's no sheriff's department to hand the calls to. There
19 wasn't even enough money to make payroll. I mean, somebody
20 would just have had to step in and loan somebody some money.

21 And so we did that through an emergency
22 board meeting. So this is really the first opportunity we've
23 had in the public forum, on public record, other than the
24 public forum that might have existed at the emergency board
25 meeting, which we had the, I think, the president of the

1 Tennessee Emergency Number Association -- I think -- I think he
2 was there at that meeting reporting back to TENA.

3 But I just want to ask some simple questions
4 to get them out on the record for the public, always, to be
5 able review. They're not meant to insult or intimidate. Like
6 I said, we gave them to them ahead of time to be prepared to
7 answer them. And then at that point, after we get answers to
8 these, if the Board's okay, you can ask any questions that you
9 might like.

10 First of all, I would like to start out,
11 Mr. Chairman, making the board aware of how much I've enjoyed
12 working with Mickey Smith. Jim and I haven't worked very much
13 together, but Mickey and I have worked quite a bit. And I'm
14 very pleased with the cooperation that we have gotten from
15 these individuals. I know our general counsel has worked with
16 them quite a bit. And I really appreciate the spirit of
17 cooperation that is -- that is there between us.

18 First of all, I want to ask just a very
19 basic question for the record, and that is, could you tell us
20 when the members of the Jackson County Board learned of the
21 district's financial crisis, approximately, not maybe the exact
22 day but approximately that you were made aware of this?

23 MR. SMITH: In our -- we had an
24 emergency -- well, it was when the director resigned,
25 January 15th.

1 MR. HAYNES: And -- and if I remember,
2 before that some of these defaults and bounced checks that
3 Jackson County had, Mr. Chairman, correct me if I'm wrong, I
4 think went all the way back to in the fall, maybe even some in
5 July. And so I just wanted to establish for the record that
6 the district leadership was -- or was not aware of that at the
7 current time.

8 MR. SMITH: Yes, sir.

9 MR. HAYNES: And it wasn't until December
10 until you found out all of these practices were going on?

11 MR. SMITH: I think it was January when most
12 of the board members found out.

13 MR. HAYNES: Mike Mahn, their legal counsel
14 is here with us. I understand that he has a special
15 relationship in representing matters like this. And so if he
16 chooses not to answer this question I won't think anything
17 about it.

18 But, Mike, if I might just ask you, I confer
19 with my attorney quite often on everything I do. Did the --
20 did the previous director of the 911 district ever give you any
21 kind of indication prior to January that there might be some
22 problems or they were up to the degree or the extent that they
23 were? Would you mind either responding or not formally
24 responding, whichever you feel would best represent your client
25 or your interest in this matter.

1 MR. MAHN: Thank you, Mr. Chairman. My name
2 is Mike Mahn. I do serve as counsel and have served with
3 Jackson County since their formation back, I think it was '90,
4 1990. And without violating any ethical relationships, I would
5 just state some matters that are matters of public record,
6 which the board could discover, if you would.

7 The -- of course, my role is counsel, as you
8 know, I'm not the fiscal advisor. And we do have audits, and
9 audits were provided every year. The audit, for whatever
10 reason, was in the possession of the director for 45 to 60 days
11 before it was released to the board. In the minutes -- and
12 I've gone back and reviewed the minutes for two years. And
13 there were references to loans incurred and the basis of
14 financial projections. And you can connect some dots. And
15 there were questions.

16 And, in fact -- and it's quite extraordinary
17 for minutes to show, but I had -- the board had approved
18 minutes that included questions to the director in the fall of
19 '03 that questioned the financial statements and whether the
20 debt -- they were able to make debt payments.

21 Very importantly and -- is that not one
22 creditor sent one notice to the board, the legal authority of
23 the district. Nor were any bank -- bank inquires in any regard
24 presented to the board. They -- even as we later learned, one
25 of the creditors was beginning to assert that the district was

1 in default, they had never done, under the loan documents,
2 which they were required to do, and to provide any notices in
3 that regard. Now, I would imagine they would have at some
4 point, you know, come forward and started that process.

5 So the board members had no notice, and
6 that -- which was, you know, quite extraordinary that these
7 creditors would not, you know, send certified mail to the
8 chairman of the board or something like that. It never came
9 out as a matter of record.

10 MR. HAYNES: And we heard that from them.
11 And I was just wondering if may be in the confidence over a cup
12 of coffee or whatever -- and if you don't think you need to
13 reveal that relationship, you don't need to violate -- and I
14 want to be very clear for the record too, while I'm asking Mike
15 this question -- and I don't want the public to perceive this
16 as a Mike versus Anthony and Anthony versus Mike. There's a
17 lot of questions out there, as anybody would ask, they had a
18 full-time lawyer, surely he had to know something or surely the
19 person didn't just do this and let it go.

20 And, Mike, I think me asking you this
21 question is as much as important to kind of -- as you and I
22 would say, for the lack of a better word, put in clear view and
23 clear us that there wasn't some monkey business going on for
24 months and then the board found out about it in January. So
25 that's the only reason why I put you on the spot.

1 MR. MAHN: No, I respect that and would ask
2 myself the same questions, for the record, just so you'll know.
3 Again, these are matters discoverable by public inquiry.

4 In -- in the fall, and this is extraordinary
5 in my experience in 20 years with 911 business. I had to
6 challenge a 911 director on financial matters. You know,
7 that's like a lawyer trying to act like he's an engineer. And
8 the Board approved a request that the director be required to
9 provide a financial statement to me revealing the financial
10 affairs of the district so that I could come to this board and
11 request perhaps one-time grant assistance. I knew the board
12 had done that.

13 Jackson County, I'm very proud of this
14 county. It's one of the smaller counties, but it had no
15 startup money that some others -- latecomers had received. And
16 I thought we could appeal to this board, you know, in that
17 regard. And I had made that request twice to the director for
18 over six months because I was aware -- I knew that the loans
19 were out there and had questions as to whether they were being
20 serviced, but had no notices. The director never did disclose
21 to me that we missed any payment, that there was any check in
22 default.

23 And I have a high regard, and still do, for
24 that individual, the former director. And we -- you know,
25 there was absolutely no reason to question the management, a

1 very good man anywhere. They --

2 MR. HAYNES: Mike, I --

3 MR. MAHN: And if I could just complete
4 because I think this is an important aspect.

5 Well, the board had a meeting coming up in
6 February. And, of course, I'm going through my to-do list.
7 And one of the things in the November meeting -- we had a
8 meeting, I think, it was November the 26th -- was that the
9 director was supposed to provide me with this information so
10 that I could make a request to this board. And I had not
11 received that information.

12 On January the 15th, I believe it was a
13 Monday, I wrote and contacted the director and demanded that
14 information. He resigned the next day. Mr. Porter was
15 notified the following day. And the events -- and two days
16 later we had the first emergency meeting.

17 I'm not saying my inquiry precipitated the
18 resignation, or the disclosure, but that's the record,
19 Mr. Chairman. And that I don't feel I'm violating any regard.
20 As I've always explained to my directors, who I work with very
21 closely, I work for the board, I don't work for the director.
22 I work with the director. But we both have obligations to the
23 board.

24 MR. HAYNES: Mike, thank you for answering
25 these questions. Most of the board should know that Mike could

1 have easily deferred these questions simply given his capacity
2 representing the district. And I know that I personally
3 appreciate him being so open and willing to answer these
4 questions, when, as we can all say, he could have easily taken
5 the Fifth, so to speak. So, Mike, thank you for those
6 questions.

7 I should point out too, I don't know if Mike
8 received a copy of these questions or not from the board. So
9 Mike was completely answering off the cuff and was answering
10 from the heart, I'm sure.

11 The second question I have to those for the
12 district, and that is, does the ECD presently have any debts
13 that are about to go into default that we may not be aware of?

14 MR. MORGAN: Jim Morgan. Since we received
15 some money from the State, which you-all appropriated for us,
16 we have caught up on our equipment debt, which was probably the
17 largest that we had outstanding. We've also caught up
18 everything.

19 Right now we are up to date on everything
20 except the Southern Software, our CAD, which was a debt,
21 evidentially, that we incurred when we first put the system in,
22 that we weren't aware of. When Gary resigned and I took over
23 as acting director and I started looking at bank statements
24 and, basically, I was handed a stack of papers and I seen
25 outstanding invoices. And I started making a few phone calls

1 asking them do we still owe this or has this been paid. And
2 the more I went through the stack the more I was finding we
3 still had outstanding debt.

4 After a long night, the next morning I
5 contacted Randy Porter and basically told him what position I
6 thought that we were in as a district, looking for some help
7 and some guidance as a neighboring county. I've known Randy
8 for a long time. And I thought it was the thing to do because
9 I had no idea where to go from there.

10 MR. HAYNES: What is the status of the debt
11 owed to the Internal Revenue Service?

12 MR. MORGAN: On that we have paid up -- we
13 still have the fourth quarter of 2003 that was outstanding. We
14 have been working with an auditor or a CPA in Cookeville to
15 work on the IRS thing. We have started making our monthly
16 payments in January and February.

17 We made some outstanding payments that we
18 had. We had one of 91 and 150, I believe it was, and another
19 one of \$596. Those have been made. But they have added some
20 penalties on that since we received those statements, in the
21 neighborhood of about \$636.

22 The outstanding quarter for -- the fourth
23 quarter for 2004, I believe it's about \$5900, is what we owe on
24 that. And we've not turned that in. We were trying to wait
25 and find out the information because we kind of come in at the

1 end of the fourth quarter and trying to put what the records
2 were that he had at the time and trying to make sure that we
3 gave them the proper information, it just took us a while to
4 figure out where we were at and what payroll was and everything
5 like that. So there's probably going to be some penalties and
6 late fees on that as well.

7 But that's all we have outstanding that I'm
8 aware of now, is just the fourth quarter and then what
9 additional penalties they put on what we had before.

10 MR. HAYNES: Since September of 2003, how
11 many returned checks are you aware of?

12 MR. MORGAN: I think we had in the
13 neighborhood of \$1500 worth of returned checks. And it's my
14 understanding that these were \$25 a check.

15 MR. HAYNES: Do you have a total number of
16 checks? Was it something like 60?

17 MR. MORGAN: I don't have that. I don't
18 have a number.

19 MR. SMITH: I don't have that either.

20 MR. MORGAN: The number -- that's part of
21 the audit, our CPA has that, and I can't give you an exact
22 number. I know we were in the \$1500 range. I wasn't aware of
23 any bounced checks, basically, until that week that he
24 resigned.

25 MR. HAYNES: Did she have something to add?

1 MR. SMITH: No. It was just the same thing
2 that Jim was saying, just showing me some paperwork.

3 MR. HAYNES: There was -- there was
4 information regarding a loan from the Central Fire Department.
5 Could you tell us a little about the nature of that loan and
6 who authorized it?

7 MR. SMITH: I don't actually know if it was
8 a loan. At that time the director, Gary Jones, he was also the
9 treasurer for the Central Fire Department there in Jackson
10 County. And no one from the board had any idea or authorized
11 anything as a loan from Central Fire Department.

12 MR. HAYNES: Are the checks -- were they
13 signed by the board then or just the director, and has that
14 policy changed?

15 MR. SMITH: Yes. We -- we have two board
16 members, somebody who signs -- who wrote the checks, say if Jim
17 issues a payroll check, two other board members sign it now.

18 MR. HAYNES: But that wasn't the previous
19 practice?

20 MR. SMITH: No, it was just one board member
21 then.

22 MR. HAYNES: Has the board initiated any
23 new financial oversight policies since it passed its
24 January 19th, 2004 resolution seeking ECB's assistance?

25 MR. MORGAN: Yes, we have. All four of the

1 officers of the board have been bonded up to \$50,000. It
2 requires two of the officers' signatures on a check. And
3 again, at this time I'm doing the payroll, so -- and I'm also
4 an officer, but I will not sign those payroll checks, it will
5 need two other officers besides myself.

6 And then, amazingly, I guess, I'm keeping
7 the records on what our expenditures are and what we have
8 outstanding. I've kind of taken that. Our treasurer, who's a
9 fine fellow, but he's up in years, and it's probably a little
10 bit of burden on him. But he's been probably there since the
11 board has been put together.

12 But where we're at and the daily overseeing
13 and also sending the weekly reports to you-all, I've kind of
14 overtaken that because I'm in the office there every day. So
15 it just makes it a little bit easier for us.

16 MR. HAYNES: What -- Jim, I have your -- I
17 think your latest report that you sent by e-mail. I just
18 haven't had a chance to open it yet. And we do have a public
19 forum here, can you just give us the present financial
20 situation of the district?

21 MR. MORGAN: We generally have -- what we
22 have is two checking accounts. We've got a general account and
23 then we have the payroll account. In the general account at
24 this time we have a balance of \$21,009.86. And then in the
25 payroll we have a current -- I want to say it's about \$5900 in

1 payroll.

2 So if you delete that -- I believe we've got
3 \$5900. I'll check. I've got it here someplace, but I've got a
4 lot of papers so I'm trying to keep -- that sounds about right.

5 MS. WARREN: Mr. Chairman, Judge Warren, if
6 you would like copies of these, I'd be glad to leave them with
7 you, of both the payroll and the regular account.

8 MR. HAYNES: Don, don't we -- don't we have
9 those already? Okay. Vickie and Jim have been kind enough to
10 produce those already. Thank you, madam chair.

11 So I guess we have a confirmation on the
12 payroll of approximately \$5900. Is that what you have, Jim?

13 MR. MORGAN: Yeah, 5900. Like I said, I
14 thought I had it with me, but evidentially I don't.

15 MR. HAYNES: We're down to about the last
16 two staff questions. I appreciate you being so forthcoming on
17 this and direct.

18 When was the last time that the district
19 board met?

20 MR. SMITH: February 18th.

21 MR. HAYNES: And we have not received the
22 minutes from the November 26th, 2003, EC -- your local board
23 meeting. And we were just wondering when they might be
24 available. We know that you've had a lot going on since then.

25 MR. SMITH: Just as soon as I get back and

1 find them I'll send them to you.

2 MR. HAYNES: Okay. Well, I think --

3 MR. MAHN: Do you want me to respond?

4 MR. HAYNES: Please, if counsel wants to.

5 MR. MAHN: Yes, sir. The November 26th
6 meeting minutes were approved at the January 19th meeting. So
7 they have been certified as true. And the -- I will e-mail all
8 the minutes to you as we go and as they're approved.

9 But in the subsequent meetings and two
10 February meetings, February 4th and 18th?

11 MR. SMITH: Yes.

12 MR. MAHN: We approved the 4th ones also.
13 So we'll get both of those -- or three of those sets to you.

14 MR. HAYNES: Thank you, Counsel.

15 Mr. Chairman, that concludes the staff's
16 questions. Oh, I think general counsel has one to ask. But if
17 I might just conclude my questions that we're asking on your
18 behalf, I want to thank everybody from Mike Mahn, legal
19 counsel, to the board members here today for your directness
20 and your willingness to answer these questions. This is
21 something that's until you worked through one the these things
22 it's hard to explain. But when you're a body with the
23 authorities and powers and arguably that comes with that
24 responsibilities that this board has, these matters are just as
25 hard on us as they are you because the whole public is watching

1 and the 911 community and the industry how we deal with it.

2 I want to commend Mickey and Jim for their
3 spirit of cooperation. I couldn't ask for any better
4 cooperation from these two individuals. And I want to make
5 sure that's very clear on the record. And I think at this
6 time, Mr. Chairman, your general counsel has some questions or
7 comments she wishes to make.

8 MS. QUESTELL: I have one question and one
9 comment. Thank you.

10 First of all, I really would like reiterate
11 that you-all been very, very helpful and forthcoming and we
12 appreciate that very much.

13 MR. SMITH: Thank you.

14 MS. QUESTELL: The second question is, what
15 actually is the status of your debt concerning your software?

16 MR. SMITH: I talked to them last week or
17 this Wednesday, and that's \$38,500.

18 MS. QUESTELL: And that is not in default?

19 MR. SMITH: No.

20 MS. QUESTELL: Great.

21 The other thing is just a comment. I wanted
22 to reiterate that our board's financial support to the Jackson
23 County ECB is in the form of reimbursement which we are
24 authorized to do pursuant to our statute Tennessee Code
25 Annotated 7-86-306. Thank you.

1 CHAIR PORTER: Okay. We'll entertain
2 questions from the board members now, if you have any for
3 Jackson County.

4 MEMBER BEEHAN: How much money does this
5 board -- how does that work, we have a situation they needed X
6 amount of dollars, what's the process for -- I mean, is it a
7 loan or grant and how much was involved?

8 CHAIR PORTER: Under TCA we have the ability
9 of going on a financially distressed on debts that are in
10 default and help them. One of the things we looked at was to
11 make sure that 911 didn't stop. They were -- they had payroll
12 checks bouncing. They were three payments behind on the their
13 loans to the bank. They were behind in their payments to IRS.

14 So what we looked at was one thing that we
15 saw that we had, when Jackson County installed their new system
16 they made sure it was Phase I and Phase II compatible with
17 wireless. The Board with past districts have reimbursed those
18 districts for the cost of bringing their systems up to Phase I
19 and Phase II compatible. So we looked at going back and
20 reimbursing them. And I think we set that up to 50,000, it
21 figure out to be about 43,000, 47,000? Didn't we reimburse you
22 for the main control?

23 MR. MORGAN: I don't know. When we received
24 the check from the state it was for \$72,151, is what we
25 received. So I'm not aware of what we received in that -- that

1 sum.

2 CHAIR PORTER: I believe \$30,000 of that was
3 a Rural Dispatcher Grant that they are eligible to get. And
4 then the other 42,000 was reimburse of the ANI controllers. Is
5 that right; Don?

6 MR. JOHNSON: Don Johnson, auditor. What
7 they got reimburse for the equipment, if I'm not mistaken, I
8 think it was -- the total was \$70,000 cause I think we were
9 reimbursing districts for up to 100,000 --

10 MR. HAYNES: I would just like to point out
11 for Mr. Beehan's benefit, we've got all of that itemized and
12 broken out. It's just that the staff doesn't have it here with
13 us. I don't want to give you the impression this thing was
14 that loose. But we do have well-documented, you know, down to
15 the dollar what this so-called transfer money was accounted for
16 and equipment.

17 The only thing that that wasn't -- the only
18 thing that was precedent setting in this was the Board's using
19 it's reimbursement authority by statute to reimburse payroll.
20 And the only reason, the only reason that the Board, my
21 understanding, went along with that was because they could not
22 pay dispatchers to basically answer the calls. There was no
23 sheriff's department, no police chief.

24 So I'll be glad to --

25 MEMBER BEEHAN: I think what you did is

1 wonderful. I'm just asking how it worked because I haven't
2 heard of that before. I think making 911 available in a crisis
3 like that is exactly what this board is about.

4 MR. HAYNES: You're probably the only one of
5 this panel that hasn't heard my story of the weeping and
6 mashing of tea AMONG staff members on each other that trying to
7 come up with sort of a -- so I appreciate your comments. I
8 just want you to know that we've got all the information and
9 I'll make a point to get it to you because you're going to have
10 to be dealing with these matters in the near future.

11 MS. QUESTELL: One of the unusual things
12 about this situation is that Jackson County is not, under the
13 law, financially distressed. That's why we brought up these
14 issue earlier supporting legislation that would change the
15 definition of financially distressed. So we had to be very
16 creative and focus on our powers to reimburse. And that's --
17 that's how we handled this situation.

18 The order which specifically authorizes,
19 explains what this board voted on is on our website. And do
20 want to read into the record exactly what the board voted on as
21 far as the numbers, which these are number up to, and Don will
22 have the specific numbers of exactly what they were. But if
23 you'll indulge me.

24 In our emergency board meeting the board
25 directed staff to reimburse the district for up to \$50,000 in

1 emergency communication equipment expenses and authorized staff
2 to reimburse the ECD for up to \$80,000 in audited expenditures
3 that are presently involved that were used to implement,
4 maintain, operate, or enhance the ECD's wireless E-911
5 services.

6 And we also at that time directed the
7 district to request permission to write checks for anything
8 over \$500. So we've had a great opportunity to get to know the
9 district people. And they've been very gracious. Thank you.

10 MR. BEEHAN: So there is a ceiling or there
11 is a specific amount?

12 MS. QUESTELL: Yes, sir.

13 CHAIR PORTER: This goes to June 30th. And
14 then we -- between now and June 30th we'll work with the
15 district and try to make sure that they have a balanced budget
16 for the next fiscal.

17 MEMBER BEEHAN: You got to understand that
18 these are the kinds of questions that we would ask our staff.

19 CHAIR PORTER: I understand. Just being a
20 good board member.

21 MEMBER BEEHAN: Thank you.

22 CHAIR PORTER: And not having the ability of
23 being here when all of this happened too, I know how that makes
24 it difficult.

25 Yes. Lynn mentioned that already, but I'll

1 reiterate it, that for the audience, there's a copy of the
2 Jackson County order and everything that we did on the state
3 EDB's website. So if you have -- would like to see that, why
4 you can go and download and read all about it.

5 MEMBER LOWRY: What was the -- what was it,
6 a gift or a loan or whatever it was that transpired between the
7 fire department and the district or the district and the fire
8 department? I never did get that one straight as to whether it
9 went to them or went from them or --

10 MR. ALLEN: Mr. Chairman, Jeff Allen, vice
11 chair. I'm also the chief of the Jackson County Volunteer Fire
12 Department. I was informed of this transaction involving some
13 grant money that was awarded to Central through a -- a grant.
14 And I was made aware of this probably late December, right
15 around that time frame that that approximately -- and again, we
16 are being audited also by Linda Leslie's office in Cookeville
17 and would be more than happy, from the Fire Department's point
18 of view, to submit that to you-all as well, due to those
19 accounts being involved here.

20 Approximately maybe \$30,000 is what was
21 being looked at. And again, when I started going through the
22 books, Gary was -- myself and Gary Jones were on the signature
23 cards of those. I was not made aware of any transactions or
24 transfer of monies to either accounts. And when I went back
25 and started looking over the deposit slips, basically just a

1 sum of money, a total on the deposit was all that was involved.
2 There was no what it was for, where it was from, anything of
3 that nature, except on very few of them to the 911 payroll
4 account and maybe to the general account.

5 But since then -- and again, this is just to
6 let you know, we were a single signature required fire
7 department. Gary was the acting treasurer. Since then he has
8 been removed. We now require two signatures on our checks as
9 well. But we would be more than happy to do that. We just --
10 as chief we were not aware of this that went on. This was,
11 evidentially, an action taken upon himself to do.

12 And like I said, at which now we are being
13 audited by Linda Leslie herself, and we will make that
14 available to you as soon as possible also.

15 CHAIR PORTER: To make sure that the board
16 members understand -- and correct me if I'm wrong, okay -- Gary
17 being the treasurer of both accounts has taken to moving money
18 from the Volunteer Fire Department as grants they got, 30,
19 \$40,000 just sitting in their account, we he'd need money over
20 on the 911 side, he'd transfer -- call the bank and tell them
21 to transfer the county fire fund over to the 911 fund to keep a
22 check from bouncing or approve checks. And then he would move
23 the money back. Once they got money in their 911 fund he would
24 move it back over to the fire department. Is that --

25 MR. SMITH: Yes, sir, we do have several

1 incidences where on a couple of deposits he had paid two 911
2 employees from a check from the Volunteer Fire Department and
3 then turned around and deposited that back out to the payroll
4 account. And we do have proof of that. There is on record.
5 There was deposits slips.

6 But again, there are a number of deposits
7 that we're not really aware of where it came from, where did it
8 go, and things of that nature.

9 CHAIR PORTER: Does that answer your
10 question, Ike?

11 MEMBER LOWRY: I was just wanting to really
12 know, is there any outstanding money that you still owe --

13 MR. SMITH: We are not aware of it at this
14 time, sir. No, sir.

15 MEMBER LOWRY: Yeah.

16 CHAIR PORTER: Okay. The audit he is
17 talking about is part of the 911 audit. Linda Leslie requested
18 the bank statements from the Central Fire Department. So as
19 part of the 911 audit that you-all have asked for, that Central
20 account is also being audited with our office.

21 Other questions from the board members?

22 MEMBER BEEHAN: Yeah. Who is Linda Leslie?

23 MR. SMITH: She's a CPA in Cookeville.

24 CHAIR PORTER: She's the auditor.

25 MEMBER BEEHAN: She's your auditor; right?

1 MR. MAHN: Mr. Chairman, for the record, I
2 believe Ms. Leslie is the -- does more 911 auditing in
3 Tennessee than any other accountant, probably 15 of our
4 counties.

5 CHAIR PORTER: Freddie, did you have a
6 question?

7 MEMBER RICH: Not about that, but, yeah --
8 yeah, one more. Do you have a better communication setup now
9 between the board and the --

10 MR. SMITH: Yes, sir.

11 MEMBER RICH: -- written communication,
12 verbal, whatever is required to know what's going on?

13 MR. SMITH: Yes, sir. Ever since this
14 happened we probably meet at least once a week, at least, on --
15 on anything.

16 MEMBER RICH: On anything.

17 MR. SMITH: Yeah. Anything and everything
18 that's going on. And I work at the police department, and Jim
19 and Jeff are at Family Service, so we're in and out always
20 discussing and trying to keep on top of everything.

21 MS. WARREN: And they do inform me.

22 CHAIR PORTER: Any other questions from the
23 board?

24 MEMBER RICH: Yeah, I'd like to ask them, at
25 any time during this as you look back on it, do you look back

1 now and say maybe we should have caught that something wasn't
2 exactly right, we just didn't pursue it?

3 MR. MORGAN: There was questions that were
4 asked. There was a letter sent -- they were going to put a
5 levy from the IRS. And at that time the County owed us \$35,000
6 that should have been received about July. The County, I think
7 it was December when that was paid.

8 But when I asked him why this was
9 outstanding, the answer I got was, well, the County had not
10 paid us their share of the money. Well, before they were
11 paid -- they paid the IRS, they reimbursed the IRS for that
12 payment. And then a lot of that money that we were expecting
13 from the County went back to Central.

14 So, yeah, there were things that came up.
15 But when he was questioned, he'd always have an answer for us.

16 CHAIR PORTER: While we're talking about
17 that, and I'll ask Jim or any of you-all, maybe all of you
18 could address this, part of the 911 act and part of the TCA
19 specifically says that financial reports have to be provided to
20 the board at every meeting. And I just kind of would like to
21 read that for the record. It's 7-86-123.

22 It says that every regularly scheduled
23 meeting of the board of directors, the board must -- must be
24 provide with a financial report of the emergency communications
25 district's activities in accordance with the guidelines

1 developed by the comptroller and treasury.

2 Had you-all been receiving financial reports
3 at each meeting?

4 MR. MORGAN: We got a financial report on
5 the general account. But the best I can recall we never
6 received a financial report on the payroll account. He was
7 asked to supply us with records on the payroll, we never
8 received them.

9 The report that he was giving us as far as
10 the financial report was a Quicken. It would have a balance --
11 and I've got a copy of the one from August to October here.
12 And even during that time it showed no bounced checks, it
13 showed no return check fees. It just shows the expenditures
14 and deposits, is what it shows. So as far as we know this was
15 accurate.

16 CHAIR PORTER: You are having --

17 MR. MORGAN: We were going -- he was
18 providing us with what we he was supposed to.

19 CHAIR PORTER: You were getting reports at
20 your meetings, it's just they weren't accurate as to the
21 financial statements and audits?

22 MR. MORGAN: Obviously not.

23 CHAIR PORTER: Anybody else want to speak on
24 that? Mike, you want to? Come to the podium.

25 MR. MAHN: Mike Mahn. That is an issue

1 Mr. Rich put his finger on that I would hope the board would --
2 and your staff, Mr. Haynes and Mr. Johnson, would look at. The
3 law, it says we're supposed to get a report according to such
4 guidelines.

5 And for years -- and this is not criticism,
6 by any means, of the comptroller's office. Every district is
7 different and have different financial affairs, but as you
8 might recall, for many years there were no guidelines and did
9 not specify in detail what a financial report would be. And if
10 you look around the state, there's 100 districts, there's
11 probably 100 different formats.

12 You've done a wonderful job of standardizing
13 budgeting, everybody is learning using the uniform charter
14 accounts. I went back through, and it is posted on your
15 website -- in fact, one of my regular notices I send out to the
16 boards, what I call required reading, is just that. And I
17 pulled out -- in fact, I've got copies of the relevant
18 sections. I was reading them again. Of course, I'm not a
19 financial person, but -- but reading -- if you read what you do
20 have in the manual for the 911 districts, read it in light of
21 the problems here and what needs to be added.

22 But it would be very helpful, and myself
23 looking back, if all current status of all loans and their
24 performances -- I'm not so sure that that we ought not to put
25 on notice any vendor or creditor doing business in the state of

1 Tennessee that unless they give a notice to the board of
2 directors it's not effective legally and they can't enforce it
3 as a default. Because realistically, if we had been audited
4 earlier, it would not -- this would not have really been
5 revealed because there was no file, the UCC kind of filings or
6 anything.

7 Anyway, Mr. Chairman, that would be helpful
8 to standardize what is the minimum financial report. Some go
9 way beyond that, bank records, conciliation statements, a lot
10 of internal control. There's a wide practice. But I do think
11 that what they got would not suggest that it was inaccurate,
12 but it was not complete of what Mr. Bilbrey or a financial
13 person would have said is complete.

14 CHAIR PORTER: Any comment on that?

15 MR. HAYNES: Did I understand, Counsel, that
16 you were advocating that a creditor, if they had an outstanding
17 debt or default in a district that it not be considered -- I
18 don't know the legal or the financial terminology I'm looking
19 for -- until the governing board was notified?

20 MR. MAHN: Yes. Specifically, they --
21 actually the board is -- it's the name on the loans. But what
22 the practice is, they deal with a perceived agent, the
23 director. And as we all know, and with only very rare
24 exceptions, that's very adequate. They may have been
25 corresponding with the director, we do not know this.

1 MR. HAYNES: But that director is an agent
2 authority, they empower that director. Just like they empower
3 you to be their legal counsel.

4 MR. MAHN: Well, unless -- unless the loan
5 documents specifically do that -- I guess what I'm just saying,
6 it's something to explore and I'd be glad to work with your
7 counsel and look at that.

8 MR. HAYNES: I think that would probably
9 require a broader overturn in the state law because that would
10 affect city manager, it might affect every county executive. I
11 guess it's -- the banking community is the person you'd have to
12 tell something like that.

13 I don't disagree with you --

14 MR. MAHN: I'm just saying so --

15 MR. HAYNES: But I need to point out for the
16 record that, as you well know, a lot the these 911 districts,
17 until a recent board -- and that's why the board policy came
18 from it, I've had district directors that refused to give me
19 their board of directors, where to get in touch with them,
20 where to call them. I thought, my God, these are the people
21 authorized by state law to act on a jurisdictional area
22 empowered by the General Assembly and they're hiding them like
23 they're some, you know, some offshore corporation that we don't
24 want don't want anybody to know about.

25 So that's one reason -- I think until we get

1 to the point that it's -- it's easy for something like that to
2 happen by board members not being accessible, know how to get
3 in touch with them. I don't think really -- it might be a good
4 idea, but I just don't know how in the world you would
5 administer it.

6 But I do think, I do think it does warrant
7 consideration that whoever is acting on that district's behalf,
8 that agent, whether it's a paid or unpaid director -- and in
9 some cases -- I don't know that you have a relationship with
10 any of your clients where you actually run the business, I
11 think that's probably something totally different. But, you
12 know, whoever -- sometimes it's a chairman, as you well know,
13 it's like the day-to-day person volunteering, but the
14 day-to-day person.

15 Maybe what we should do is build a little
16 bit on the counsel's recommendation for the district there and
17 the board pass a policy that all 911 districts should adopt a
18 designated agent to act on -- I'm getting some looks I don't
19 like, so I may back off. I see somebody who may have more
20 experience in this than I do.

21 If there's -- if there's some vague area of
22 law out here that doesn't have the accountable staff person or
23 the person contracting the business on behalf of the district,
24 we need to figure out how to patch that. That may be a deal to
25 be fixed by ECB or local district policy.

1 MR. RICH: That's what I'd like to comment
2 on. Anything that comes to the board comes to my office, even
3 the board chairman's mail comes to our address. So if my
4 administrative assistant and I were inclined to do so, we could
5 stop that mail right there, as far as getting to the board. I
6 think you should be aware of that.

7 MR. HAYNES: And I think it's just as
8 important to point out here, I know that just on the surface if
9 one were to look at all of the board policies passed, it would
10 be easy for someone out in the counties to look and say that
11 state board only wants to micro-manage my affairs. But whoever
12 hears this -- this recording, and whoever reads the transcript
13 from this meeting needs to know that those policies that the
14 state board is accused of being heavy handed and micro-managing
15 are there in place because of what happened years ago in
16 Jackson, Tennessee, what happen not too long ago -- years ago
17 in Fayette County, Tennessee, and what has happened in Jackson
18 County, Tennessee.

19 So there are -- there's a reason for these
20 policies. It's a very delicate balance of respecting local
21 authority and local management and meeting the intent of the
22 law. And so I just want to be on record, Mr. Chairman, of
23 everybody knowing what those policies are really there for.

24 CHAIR PORTER: Everyone remember, too, that
25 we're learning as we go. You know, this board has only been in

1 existence since 1998, and this is the first really big
2 financial crisis we've had to deal with a district. So we're
3 creating the wheel, I guess.

4 Any other questions of the Jackson County
5 folks?

6 Okay. Hearing none, we got two action
7 items, I think, asked by staff. The first one is to direct the
8 Jackson County Emergency Communications district to document
9 contributions by government entities within the county through
10 intra-local agreements and submit them to the TECB for review
11 and approval.

12 And the second item is to direct the Jackson
13 County Emergency Communications District to sign a waiver
14 allowing the ECB to review all records and documents related to
15 the Jackson County Emergency Communications District.

16 Those two are the requests of the staff and
17 asking the board to approve those that allows us to continue to
18 work with the ECD in Jackson County and get them out of
19 their -- their problems and hopefully to get them back in the
20 black.

21 What's the will of the board on those two
22 items?

23 MEMBER SHEFFIELD: Mr. Chairman, I'm going
24 recuse myself from voting on this issue.

25 CHAIR PORTER: Okay. Let the record show

1 Ms. Sheffield recused herself from voting on this issue.

2 Do I hear a motion on those two requests by

3 the staff?

4 MEMBER BEEHAN: So moved.

5 CHAIR PORTER: Do I have a second?

6 MEMBER MOODY: Second.

7 CHAIR PORTER: A motion and second to

8 approve the two requests as I just stated for the Jackson

9 County district. Are there any questions or any discussion?

10 Any questions of the district, do you all

11 understand both of those?

12 MR. MORGAN: Yes, sir.

13 CHAIR PORTER: If there's no further

14 discussion, all in favor say "aye."

15 THE BOARD: Aye.

16 CHAIR PORTER: All opposed like sign.

17 Motion carries.

18 Any other items on the Jackson County

19 matter?

20 I want to say how much we appreciate not

21 only the attitude, but the willingness to work with the state

22 board. Of course, I've known all these folks for years and

23 they've done a great job pulling this thing back together and

24 coming together and trying to face this problem, and I commend

25 what you-all are doing. And we'll work together and,

1 hopefully, get this ship righted in the right direction. I
2 appreciate you-all coming today.

3 MR. SMITH: Thank you.

4 CHAIR PORTER: We've got about -- I think
5 only a couple more items, probably I'm guessing about 20 more
6 minutes, do you-all want to continue on, do you need a break
7 or -- okay.

8 The next item, then, is Sequatchie County.
9 And we had -- do you want to -- do you want to give some brief
10 history on this, Anthony? I mean, can you bring us up to date
11 on what's going on with Sequatchie?

12 MR. HAYNES: Yes, sir. About a year ago, on
13 July the 9th, we held a meeting here and the state board had
14 directed staff to do -- Chairman Porter was part of it and the
15 board advisers of that group, but it was here at the ECB --
16 right in this room actually, where all the state's -- what's
17 historically been known as eight 911 districts that had never,
18 ever had E-911 service -- and I should clarify, maybe, for some
19 of the board members.

20 You could -- because of recent order of the
21 FCC, every individual in a county could dial 911 and get a
22 public safety answering point, but it went over the
23 administrative lines in these counties and there was no call
24 data, no location data. It wasn't E-911, enhanced 911.

25 So this board has taken very seriously its

1 responsibility to specify in the statute to provide for all
2 citizens in the state, but to ensure that it happens, working
3 through mobile folks, but then if nothing -- if all else fails,
4 being prepared to develop a plan and potentially implement
5 service for those people down there.

6 What I should point out and say is that that
7 day we found very positive response. All -- all -- let me back
8 up. Seven of the eight 911 districts were present. And the
9 eighth district, as I recall, may have been Van Buren County.
10 Mike, is one of your clients. And that was due to the person
11 that was coming to report on that had a daughter or a family
12 member that had just gone into delivery. So needless to say,
13 that was certainly excusable. And then they got back with us
14 later in a couple of months. But we received reports where
15 they were status with their implementation.

16 Keep in mind, this board's only been around
17 since 1998. But the intent of the General Assembly that this
18 service be provided was put in the law in 1984. So this
19 service is long overdue in these counties. And it's landline
20 plus wireless.

21 What we have since that June and July
22 meeting is that Lake County and Perry Counties are on line with
23 not only with E-911 but also wireless E-911 Phase I and
24 Phase II. We also -- Hancock County, with the exception of
25 those 64 lines that are a regulatory quagmire with the FCC are

1 not only getting E-911 but also Phase I and Phase II. Grainger
2 I think -- oh, Grainger went on line yesterday. I wasn't aware
3 of that. So they finally got E-911 service after 20-some-odd
4 years.

5 So we're finally closing in, so to speak,
6 and the last remaining counties or districts that are there are
7 Van Buren, Sequatchie, Grundy, and Bledsoe. And we've been
8 working very closely with these districts. Our technical
9 consultant, Rex Holloway, has as well. I think Mike Mahn
10 represents all of these counties and has been probably offering
11 a little bit more than legal service and also offering advise
12 on implementation service, so to speak.

13 But with all of that said, Sequatchie County
14 has informed our technical consultant, Rex Holloway, very
15 recently that a deal with the -- had fallen through with, I
16 think, the electric -- with either the local electric or
17 telephone co-op had fallen through where they were considering
18 maybe discussion of sharing facilities. Is that right?

19 I'm getting a confirmative nod from our
20 technical consultant here.

21 That that would put them off until December
22 before they could go on line with the service. And to be very
23 open and honest, it is staff's response that we don't find
24 that acceptable. We feel like that it can be done before then.
25 We feel like the people deserve it before then. This service

1 is well 20 years overdue in happening. Let's see what we can
2 figure out.

3 So it was the intent of having them come
4 here today and appear before the board to give a report of
5 where things were with that district. I think probably their
6 legal counsel, Mike Mahn, might want to speak due to the events
7 of some local politics involved he might want to go into.

8 But the chairman, and also, I think, the
9 director were planning on being here with us this morning. And
10 they called. And the chairman had an employee who is also a
11 relative of his pass away last night. And then the district
12 director, who is also, I think maybe a EMT or paramedic,
13 developed laryngitis. So they didn't come today. Which I
14 think the chairman may have a recommendation whether to go
15 forward on that.

16 Mr. Chairman, if it's appropriate, maybe
17 what we should do, with the board's indulgence, is hear from
18 our technical consultant, s well as legal counsel for the local
19 districts, all four of them, Sequatchie as well as the others,
20 who could tell a little bit about the political situation that
21 may potentially be causing some problems there.

22 CHAIR PORTER: Could you just wait for a
23 moment. I think -- we're okay on the tape?

24 Okay. Go ahead, Rex.

25 MR. HOLLOWAY: Okay. Yeah, I want to defer

1 to Mike. Mike's got more information regarding the location
2 issues.

3 MR. MAHN: And then we'll do the technical.
4 Rex is working on the technical information for all four, and
5 it's extremely complex.

6 The -- historically, that was a good --
7 BellSouth, Sprint, GTE, initially, paid real leadership on 911
8 in Tennessee in all of their counties that they served in.
9 They really helped to procure it.

10 This is not critical of the independent
11 companies, but all four of these counties had the same time --
12 well -- all four of these counties were on independent
13 companies and difficult implementation. Under the law, the --
14 if you did not get on the referendum to have a 911 district,
15 unless the county commission allowed it to be put on the
16 ballot -- and for many years -- in fact, I was invited up
17 several times, every two years, by a county mayor or county
18 executive to explain 911 to the county commission for whatever
19 reasons. But they'd say, well, thanks for coming, that's
20 always interesting but we just don't want -- we don't need it.
21 And they would vote it down and not allow it on the ballot. So
22 that was part of the reason they were delayed.

23 In any event, when the four counties began
24 foreseeing -- they tried to move together so they could find
25 areas of cooperation. They did -- GIS work has all been done

1 and -- regionally. And they split the cost of that project
2 because they were all continuous, not necessarily compact, but
3 all touching each other. They looked at equipment issues. And
4 this is when Mr. Holloway got involved. And he did offer them
5 an alternative to save a lot of money doing an equipment
6 implementation.

7 The problems with Sequatchie County, the
8 challenges they face, actually, it's on an encouraging note
9 because they are making some progress, I'm pleased to report.
10 The -- I've been in steady correspondence with your general
11 counsel about the various issues Sequatchie is dealing with.

12 They -- they have a consensus -- a meeting
13 consensus, they do not want to spend money to modify ancient
14 equipment in the jail. They're building a new jail and there's
15 a consensus among everybody that they do not want not want 911
16 in that jail. Which means they have to find a new location.

17 The 911 board did, in fact, do that, went
18 out and found another location. But some of the Clinton
19 leadership did not like that location, they ended up with a --
20 that effort fizzled. And then -- so they -- the county mayor
21 had recommended another building. And the board had negotiated
22 with -- the school board uses this other building -- that they
23 were going to vacate it and has agreed to obtain the lease on
24 that building, which now the county mayor opposes.

25 But, in any event, they have secured a

1 building. It will be available -- it's excellent, Rex has
2 evaluated it, you can get his opinion on that professionally --
3 sometime this summer. So they're proceeding, Mr. Chairman, to
4 implement, to get their equipment. They purchased their
5 equipment, the basic PSAP equipment. We're going to have to
6 get additional console equipment in there because, apparently,
7 it looks like the stuff in the jail they can't even use or
8 don't want to use to try to install it.

9 But in any event, they expect to be
10 operational, hopefully, sometime this summer if the technical
11 database piece that Rex is trying to coordinate can be put in
12 place.

13 Monday the county commission is poised to
14 act upon or consider an agreement that would establish an
15 oversight committee for dispatching that will not affect the
16 911 board. The 911 board will just be a financial contributor
17 to the -- paying, you know, basic approved ECD costs for them.
18 So there's a community solution that it looks like the county
19 commissioner by probably -- I'd say 15 now -- there's 16
20 commissioners -- have indicated approval for, even though this
21 may require the county to, to put money over there, you know,
22 for operational costs that they have not done.

23 So I'm optimistic that Sequatchie will be on
24 line -- I know Anthony has told us, you know, one day later is
25 one day much. They've been pushing at this earlier --

1 MR. HOLLOWAY: Yeah. Anthony you may have
2 missed it. It looks like June to September at this point. The
3 school board will be able to release this space after the
4 school year ends. So we're moving it up from the December date
5 we originally thought was going to be the case.

6 They're ready to contract for the equipment.
7 And certainly there's a lead time of probably 30 to 60 days in
8 getting the telephone, the landline 911 trunks in, and also
9 getting the wireless 911 clocks and wireless ALI circuits in
10 place. We just -- we don't want to put that service in too
11 quickly because, obviously, that's a cost that's incurred by
12 the state 911 board. So with all four of those counties we're
13 moving cautiously to put those wireless services in so that the
14 board's not paying for those months in advance of actually
15 being used.

16 CHAIR PORTER: You know, when we met last
17 July, and I'm reading back over the minutes, you know, both you
18 and Mike both were assuring us that they'd be on line by the
19 end of last year. We're now into March, and we don't seem like
20 we're any closer than we were then.

21 The other thing is that if you read the
22 media over in that area read the newspapers and everything
23 that's going on, it sounds like it's just a major cluster over
24 there, that the problems that we were concerned with back in
25 July were that the sheriff and the county commission and the

1 county executive, the 911 board, all those folks weren't
2 talking to each other. It doesn't appear like that's any
3 better.

4 MR. MAHN: Mr. Chairman, if I might, I'd
5 like to try to characterize that. It's very -- it's true -- I
6 know even your general counsel has gotten engaged in some of
7 this indirectly. The -- this is public information if you read
8 the newspaper. The county mayor is now being investigated by
9 TBI and the district attorney is seeing -- or getting ready to
10 be investigated for a -- that was requested by a vote of 15 to
11 1 by the county commissioner. And I was informed driving over
12 here this morning that there's additional counts pending. So
13 that -- I'm not going to -- I don't know whether they have
14 validity or not, but that's, you know -- that's part of the
15 dynamic.

16 The county mayor had made appointments to
17 the 911 board that were rejected by the county commission. And
18 it created some tension there. In spite of that, in spite of
19 this, actually, and somewhat as a result of it, some great,
20 really fine leadership of the county officials have stepped
21 forward and taken now more ownership and responsibility in
22 providing and meeting the challenge of 911 in the community.
23 And I'm more optimistic now about this. And we're even -- I
24 have reason to believe, and I don't have politics in the
25 county, I try to work with the county mayor too as long as that

1 person is in that office, whoever holds that office because
2 it's an important office.

3 And so -- but most of the community that has
4 been -- as you noted before -- previously excluded will now be
5 at the table running the 911 operations. And so there is --
6 there is a breakthrough of sorts. And we will keep you posted.

7 MR. HOLLOWAY: Well -- and I just want to
8 add, you know, as all of you really know, the 911 district,
9 really it's primary obligation is to provide a means by which a
10 call-taker can answer a 911 call. And really that's -- that's
11 it's primary role.

12 And you've got a situation that every -- in
13 all four of these counties where the district is somewhat out
14 of control of the dispatch center, greatly out of control of
15 the dispatch center. And so without the cooperation of the
16 county officials and the sheriff's department, you know, it
17 seems like every direction we take another obstacle pops up in
18 trying to get these folks to -- you know, I've tried my best to
19 get Sequatchie to go ahead and implement 911 in the existing
20 sheriff's department and then move it later. The cost of
21 moving is not that great, but it all comes back to political
22 pressures to not occupy an existing site.

23 CHAIR PORTER: One thing that worries me,
24 and it may not be the other board, but how many 911 board members
25 do they have in Sequatchie, seven, eight, nine?

1 MR. MAHN: Nine. There's one vacancy.

2 CHAIR PORTER: They've got eight.

3 MR. MAHN: Eight.

4 CHAIR PORTER: You know, when at least one
5 of those eight can't be here at the state board meeting when we
6 request them to come, I just -- to me that's problematic and
7 that concerns me that with all the stuff that you -- that's
8 going on over there and our major concern, I think, as a state
9 board has to be is that things are moving forward and 911 is
10 going to be implemented in speedy time in these other four
11 counties that would like to have include in. And I think it's
12 our duty and our responsibility to make sure that that's
13 happening.

14 And I -- I'll defer to these other board
15 members that may have some questions or whatever statements
16 you'd like to make.

17 MR. HOLLOWAY: And I know we're primarily
18 talking about Sequatchie, and I guess you know the good news,
19 you said you had good news, barring any further obstacles,
20 Grundy and Van Buren will have their systems live within the
21 next 30 days.

22 CHAIR PORTER: Yeah. And I feel good about
23 what I'm seeing in those two districts. Bledsoe, we're looking
24 at a rate increase. I know there's been a change in the board
25 chair and stuff over there.

1 MR. HOLLOWAY: And Bledsoe is actually
2 installed. It's setting there waiting to turn on the 911
3 function there. There's just nobody to answer the phones.

4 MR. MAHN: Mr. Chairman, if you want an
5 update on Bledsoe really quick because there has been a change.
6 Their chairman did resign over a decision that was made to
7 select a director. The director has not been employed and no
8 start date has been set.

9 However, the county government is looking at
10 stepping in and assuming responsibility for dispatching. And,
11 in fact, they will consider an agreement -- it's in a draft of
12 what they're looking to, to the general counsel.

13 The County will assume that responsibility.
14 And that's a first. And that's a positive step. And, in fact,
15 I think it's going to expedite Bledsoe's implementation.
16 They've got some management issues that they're going to have
17 to work through. But -- so we're -- a few days ago it looked
18 pretty negative. Their county mayor is very engaged and very
19 positive.

20 So I'm confident Bledsoe, perhaps, depending
21 on technical issues, they've got a great -- they do need a
22 console. They're going to need some additional equipment. I'd
23 say Bledsoe -- 90 days it will be done, if that acquisition and
24 installation of equipment occur, they should have their -- the
25 county with the new budget for dispatching, I'd say July 1,

1 sometime in July should be a reasonable date for Bledsoe.

2 CHAIR PORTER: Other questions?

3 MR. HAYNES: Mr. Chairman, I think we ought
4 to finish out Sequatchie, then I've got something to address.

5 CHAIR PORTER: I have two ideas for
6 Sequatchie. And I'll throw these out. And if the Board wants
7 to do them, that's fine. If they don't, well, that's okay too.

8 One possibility is that we require them to
9 be at our next board meeting. I would think that would make
10 the board insure, even if it's just one or two of them, the
11 other three could be here to tell us what's going on.

12 The other possibility, before I heard their
13 update was that we might need to go to Sequatchie County, that
14 we might need to go over there and hold a meeting with all of
15 those folks and find out what's going on and see it for
16 ourselves and bring that back to the next board meeting.

17 So I'll throw those two possibilities out,
18 and I'd entertain anything else, any other ideas the board
19 members might have. But I think as a state board we have a
20 responsibility to make sure that things are going and things
21 are moving forward with these rural counties to have 911.
22 Because every day we don't it could be somebody's life.

23 MR. MAHN: Mr. Chairman, could I just offer
24 one comment?

25 CHAIR PORTER: Yeah.

1 MR. MAHN: I believe -- I would think that
2 the chairman of the county commission would invite you to
3 please come and meet with local officials. I will guarantee
4 that you will get that invitation. That you will not have to
5 demand it. You will be -- that will be extended to you.

6 CHAIR PORTER: What's the will of the board,
7 what do you-all want to do?

8 MEMBER RICH: I think that's a good idea. I
9 think we'd have more of a captive audience. Instead of them
10 coming to us, we'll come to them.

11 MEMBER MOODY: And I think you could learn a
12 great deal more.

13 CHAIR PORTER: And, you know, I -- if
14 they're trying to micro-manage these folks, when we see them
15 just over the year -- you know, we've been -- it's been nine
16 months or longer since we met with them before, and it's just
17 like there's not a whole lot of progress been made. I think
18 it's just -- it's worrying and we need to be concerned with
19 that. And if there's things we can do to help, then I think we
20 need to be there to help them.

21 MR. HAYNES: Mr. Chairman, staff might go as
22 far as to suggest something like a fact-finding mission to
23 where at that same time each one of the board counties'
24 operations, or lack thereof of, to be visited. I just asked
25 counsel about Sunshine Act problems. She said as long as it's

1 noticed, publicly noticed, there are no problems with that.
2 And that could be -- it wouldn't be a formal board meeting, but
3 it would be available for all board members to go, as well as
4 staff and members of the general public.

5 But I think that -- I'm as much interested
6 in what's going on in the other places. Until I hear a
7 wireless carrier tell me that they deployed one of the four
8 counties -- it's kind of like that old country song, I've been
9 promised I love you so many times.

10 MEMBER BEEHAN: Can you sing the whole
11 thing?

12 CHAIR PORTER: No, don't ask that.
13 How does the board feel about that? Not
14 only meet in Sequatchie but we could venture into Bledsoe and
15 Grundy also.

16 MR. LOWRY: I think it would be a good idea.
17 Could we call it a workshop?

18 MEMBER BEEHAN: It sounds like a field trip.

19 CHAIR PORTER: And as many as you that could
20 come and us meet with those folks and actually see, you know,
21 their site, and see what's going on --

22 MEMBER LOWRY: As long as Counsel knows how
23 we can do it legally, why I think it's a good idea.

24 CHAIR PORTER: Are you okay with that, Lynn?

25 MS. QUESTELL: I think if we public notice

1 it and give an itinerary so that people know that that's what
2 we're doing, that they can join us if they want --

3 CHAIR PORTER: And not make any decisions at
4 those meetings?

5 MS. QUESTELL: Well, even if you made
6 decisions, if it was a publicly noticed meeting and there
7 was -- with a court reporter to document what you are saying or
8 someone to take minutes, is actually what we're required to do,
9 that would be okay. But I would counsel against making any
10 decisions and just leave it as --

11 CHAIR PORTER: Leave it at fact-finding?

12 MS. QUESTELL: Yes.

13 CHAIR PORTER: And talk about it.

14 MEMBER BEEHAN: Do we operate under the same
15 laws as the city government does?

16 MS. QUESTELL: Yes, we do.

17 MEMBER BEEHAN: We do this all the time. We
18 call it a site visit. No big deal.

19 CHAIR PORTER: Would someone like to make
20 that in a form of a motion?

21 MEMBER BEEHAN: I move we do that.

22 CHAIR PORTER: Do I have a second?

23 MEMBER LOWRY: Second.

24 CHAIR PORTER: A motion and second then,
25 that we conduct site visits or fact-finding missions, or

1 whatever the legal term is we need to use, and all the board
2 members will be invited, the general public, and all the folks
3 in those -- those counties and see firsthand the obstacles
4 they're running into and things that maybe the board can work
5 with them and help them.

6 Any other discussion?

7 All in favor --

8 Did you want to add something, Ike?

9 MEMBER LOWRY: What time frame are we
10 looking at?

11 CHAIR PORTER: I would hope we could do it
12 before we have the next board meeting.

13 All in favor say "aye."

14 THE BOARD: Aye.

15 CHAIR PORTER: All opposed like sign.

16 Motion carries.

17 That brings up the Bledsoe -- did you want
18 to talk about Bledsoe?

19 MR. HAYNES: Mr. Chairman, I'd just like
20 to -- maybe this is something that Mike and Rex could also
21 answer. I had a call on my voice-mail this morning from the
22 county executive of Bledsoe County, and one of the comments
23 that he left on my voice-mail was that the district, even after
24 it goes into operation with -- even with the rate increase, if
25 this board were to be so kind to give them a rate increase at

1 the state maximum, they're still going to run about \$50,000
2 short.

3 And this kind of comes to a surprise to me
4 in working with my friend, new friend, I should say, Joe Burns
5 of that district. I knew that there was going to be some
6 issues there, but I was under the understanding that a rate
7 increase would address that situation. And I don't know if
8 maybe the county executive may not be up to speed or maybe
9 there's some new information that's come forth. But I've got a
10 \$30,000 approved Rural Dispatcher Assistance Grant sitting
11 upstairs that I have not let Venessa put into the system yet
12 because I don't want to send cash to pay for somebody where
13 there's nobody running the show to cash it.

14 So I'm a little bit concerned about what's
15 going on in Bledsoe County with the change of the leadership.
16 And I mean, I guess I'd probably like to ask the question right
17 here while the Board's available. Because if we need to start
18 working with somebody on a rate case, or if we've got a new
19 situation, we might need to do that. But this is news to me
20 that you can give them all the help in the world to the state
21 maximum and they're still going to be 50 in the whole. 50,000
22 for a district the size of Bledsoe County is a significant part
23 of their budget.

24 I'll be honest with you, I'm not -- I'm not
25 disputing what the county executive said. I want to be on

1 record for that. But that's a hard one to swallow. I'm having
2 a hard time buying that.

3 MR. MAHN: The -- Mr. Chairman, the --
4 Mr. Haynes has identified the same concern I've been pointing
5 out to that board since its creation, was that at some point
6 you've got to bring the County to the table, and they must come
7 to the table with revenue.

8 MR. HAYNES: So there's no county input?

9 MR. MAHN: None. And they want a pain free
10 implementation. And that's a plausible goal. However, a
11 practical reality, and you know how optimistic Mr. Burns is,
12 he's quite a character, I've told him even with the rate
13 increase, even with dispatch grant funding, because that's such
14 a limited base in Bledsoe, they cannot fund an operation, at
15 least staffed like they would like to have it staffed. If you
16 take the very minimal staffing and maybe four full-time and two
17 part-time people, folks, you know, it would still be a bit of
18 push for them to do it without county funding.

19 Now, that issue's not closed yet,
20 Mr. Haynes, because the county -- we had tried to identify in
21 the sheriff budget -- of course, the sheriff wants to keep all
22 of his people. He says I need them as jailers even if you
23 start up a dispatching. But we've identified in the sheriff's
24 budget that at least -- of the four or five jailers that he
25 has, everybody spends about 20 percent of their time doing

1 dispatch. So he's agreed that that's at least one full-time
2 employee. It doesn't have to take a person but we can take
3 that money that the County could transfer into the county.
4 It's a zero sum. Swap.

5 But they are right now working on a budget.
6 And I think they realize they're not going to get there with
7 911 money totally. That's the bottom line. That's what -- I
8 say this until I'm just blue in the face trying to explain
9 that. Again, I don't want to get back to the other issues, but
10 you can understand what I'm saying and they're saying. 911
11 should be paying for this. Well, they can't.

12 MR. HOLLOWAY: And Van Buren, they're
13 probably a third of the size of Bledsoe as far as traveling
14 lines -- is that correct?

15 MR. MAHN: But here's what's interesting
16 about the smallest county in the state of Tennessee, Van Buren.
17 They are funded by -- 5500 population. They -- they -- the
18 city of Spencer and the County both pay for two full-time
19 employees that they fund. And the other districts there's --
20 there's no municipal contributions. Of course, we can't
21 mandate it in any way.

22 So each -- each district has to be looked at
23 individually. And that's where Bledsoe is. But I'm confident,
24 given the determination right now, the commissioner of the
25 county, Mr. Riddley told me when I talked with him -- I don't

1 even know what day it is. Is it Friday? Wednesday. And
2 Mr. Riddley, the county mayor, said they're going to be strong,
3 get the funding. I mean, he's made -- this is a personal
4 commitment from him. So I feel pretty good about that.

5 And I do commend the Board for your
6 interest. And I think that you'll be, right now, well received
7 if you come on site in these counties, particularly in
8 Sequatchie County and show that 911 service is important to you
9 too, and that you're concerned about the people in that county.
10 Because their county commission is showing some extraordinary
11 leadership right now of trying to share that commitment and
12 they're not getting a lot of echo. And that would be -- I
13 think that would be a positive visit.

14 CHAIR PORTER: Hopefully with these visits
15 we'll be able to help these folks and get a better
16 understanding of what's going on.

17 Okay. Anything else on that item? We're
18 going to move on.

19 Thanks you guys.

20 One -- one issue that has been brought up is
21 our next scheduled board meeting is set for April 15th. That's
22 basically 30 days away. The Staff had brought up some concerns
23 about being able to be ready and have enough for an agenda for
24 that date and had asked if we looked at maybe moving that
25 meeting forward a month into May. The only day that we have

1 that this room is available in May is May the 27th. Is that
2 something that the board would want to look at, move that
3 April 15th meeting to the 27th and give us time to -- that's a
4 Thursday.

5 Anybody have a problem with May 27th?

6 MEMBER MOODY: Are we going to meet early in
7 the morning or in the afternoon.

8 CHAIR PORTER: We can do either one,
9 Ms. Wanda.

10 Does everybody feel comfortable with moving
11 the April 15th to May 27th, that way bide some time to set up
12 these meetings to go over and meet with these four counties and
13 develop an agenda that makes it worthwhile for you-all to make
14 the trip to Nashville?

15 Okay. So we'll do that then. We'll move
16 the April 15th board meeting to May 27th.

17 Do you want to meet in the morning or
18 afternoon? Do you want to meet in the morning or in the
19 afternoon?

20 9:00, Thursday, May 27th.

21 And then our next meeting is normally in
22 September. Available for a board meeting is -- Friday the 10th
23 is available. September the 10th.

24 MR. HOLLOWAY: TENA is that week.

25 CHAIR PORTER: Is the week of the 10th?

1 MR. HOLLOWAY: Oh, I'm sorry. I thought you
2 said September 27th.

3 CHAIR PORTER: No, May the 27th, September
4 the 10th.

5 MR. HOLLOWAY: However, our annual meeting
6 is the -- it's the last week of July.

7 CHAIR PORTER: That won't conflict with --
8 okay.

9 Is everybody okay with September the 10th?

10 So May the 27th at 9:00 and September the
11 10th at 9:00. And then we always have the option to us f we
12 need to all a meeting in between those dates we always can. If
13 we don't have anything to meet on we won't bring you to
14 Nashville for nothing.

15 We had asked staff to look at moving some of
16 the meetings around the state and not just necessarily meet in
17 Nashville all the time. Anthony is looking at trying to do
18 that. Hopefully in the future we will be able to have some of
19 those.

20 Before I open it up for any comments from
21 the audience, does any of the board members have anything they
22 need to bring up?

23 MEMBER BEEHAN: Would it be -- I picked up
24 on something here this morning, when the staff sends out copies
25 of rules or articles or whatever you call them, do you also

1 send those to all the staff members -- I mean, to all the board
2 members?

3 CHAIR PORTER: Are you talking about state
4 board members or local boards?

5 MEMBER BEEHAN: State board members.

6 MEMBER MOODY: I think that would be a good
7 idea.

8 MEMBER BEEHAN: I'm hearing that we don't
9 all -- we're not all receiving the information. If we're
10 directors we're getting it -- but when --

11 CHAIR PORTER: You're talking about general
12 district mailings. I understand.

13 MR. HAYNES: Usually what we have done with
14 that, and we may have had an oversight this time. Usually we
15 include all mailing and just pile them in your pre-meeting
16 packets. But if we omitted something on that we apologize.
17 But usually any and all district mailings will be in your
18 pre-meeting packets.

19 CHAIR PORTER: One thing -- one item that I
20 wanted to add, there was -- there had been some questions
21 before, and I'm going to be sending out a little data sheet for
22 you to look at. Charles and I discussed it over the last
23 several months, but we were wondering how the smallest district
24 in the state, how they're able to operate with these low
25 revenues and stuff. So I went and, with Don's help, and pulled

1 budgets and stuff. I just picked out 11 of the smallest
2 districts across the state trying to figure out was there
3 something that was the same with each one of those.

4 And the thing that I came up with is, it's
5 pretty easy to see how they're operating, is that these
6 districts are not paying for anything to do with dispatcher
7 costs. The counties or the cities are picking up all of those
8 dispatcher salaries and call-taker salaries, and all the boards
9 are providing is just the money for the equipment.

10 Out of all of those districts I looked at,
11 and I looked at 11, there were only two that were paying
12 anything for dispatch. And those were only around \$20,000.
13 They had not been paying for one salary.

14 So that's -- I'm going to have some more
15 data for you all, and I'll send it out to you at a later date.
16 But that kind of caught my eyes. You know, we were wondering
17 how they were making it, and the County was picking up a huge
18 amount of what it's costing to operate 911 in those counties in
19 order they have the revenue funds.

20 BOARD MEMBER: Is there -- I wondered about
21 training --

22 CHAIR PORTER: Yes. And the training
23 committee is actually -- are they -- they are moving very fast
24 here. And I think you'll see, hopefully by the next board
25 meeting, some draft stuff or some proposal for you-all to --

1 MS. CASEY: Do you-all want me to address
2 it?

3 CHAIR PORTER: Do you-all want to hear Lynn
4 give us an update?

5 MS. CASEY: I'm Lynn Casey. I'm the chair
6 of your Advisory Training Committee. We've been -- spent a lot
7 of time on research trying to make sure we crossed all of our
8 T's, dotted all of our I's, so that if any questions come up
9 about any recommendations that we make to you we can back it up
10 with factual information that we gather from across the nation
11 where other states that actually have training programs in
12 existence or some that have some semblance of one and those
13 that don't have anything at all, and we can document why we're
14 making the recommendations that we have, or are going to be.

15 Right now we're in the process of writing
16 the rules and regulations to make as recommendations to you.
17 And I think we're on the sixth draft of it. It's a very
18 involving document. And we've already sent the first three
19 chapters on to your chairman and your director and your legal
20 counsel to review to see if there's things that jump out to
21 them. And your chairman takes out two pages worth of things,
22 which we were very appreciative of.

23 But also the second time -- when we met
24 Monday, we didn't even get through the first three chapters of
25 that in the review of it and going back and tweaking and making

1 changes and a lot of dialog going on. It's extremely important
2 to us, as I know it is to you, that what we come out with is
3 not a piece of junk, is something that is going to be very good
4 recommendations that's going to cause Tennessee to stand out in
5 the nation as having the best. We want it to be something
6 legitimate. We don't want to get back into the problems that
7 we have experienced over the past years when the training was
8 under another entity. And that's why it's taking a little bit
9 longer, maybe, than we'd all hoped.

10 But we are on a fast track right now, but
11 it's a lot to go through. We have not actually got into the
12 section of the rules and regs that deals with the actual
13 training part of it and making those suggestions. That may be
14 next month before we get to that. We've got a conference call
15 here again this month, and we're meeting twice along with,
16 hopefully, a conference call in April.

17 But we're trying to project farther. We
18 were meeting once a month and having conference calls some
19 and -- when we were doing our research and stuff. Now that
20 we're actually into the meat of getting a document out and
21 ready and making suggestions and recommendations and things to
22 give to you-all, it's going really fast and we're having to
23 meet frequently.

24 And everybody's working really hard. I can
25 tell you that it -- it's a very good blend of people on this

1 committee. We all bring different things to it. And sometimes
2 there's some butting of heads a little bit. But that's what we
3 need. We needed that to be able to make sure we were covering
4 all of our bases and, hopefully, what the end product is going
5 to be is something really worthwhile for everybody.

6 I hope to -- once we get a little more
7 tweaked with this part of the section and everything. And get
8 approval to give you maybe a date about that. I stress highly
9 to everybody on the committee to not be letting this document
10 out, don't be letting people see it. Because we don't want
11 people freaking out because it's going to change so much. And
12 you-all know that once somebody sees something it spreads like
13 wildfire, and, oh, they're going to be doing this, they're going
14 to be doing that, and then you have problems. So that's part
15 of why you've not seen some things because we want to make sure
16 that when it's ready to go it is ready to go, it's not just
17 something that's still being worked on.

18 Anyone have questions for me?

19 MR. LOWRY: Is there a list published or a
20 date published whenever you have a meeting.

21 MS. CASEY: No, we have kind of been having
22 to change the schedule. We did that some, at first, when we
23 were meeting here. I know TJ -- they were sending it out. And
24 legal counsel, basically, felt cause we were just a working
25 committee that it didn't fall under the Sunshine guidelines.

1 MR. LOWRY: I was looking more towards the
2 board members, any of us wanting to go. The board members, I
3 was looking at if any of us wanted to attend. One of the big
4 questions that I'm getting is, when are they meeting and why
5 don't we hear anything. And I'd like to clear that up.

6 CHAIR PORTER: Maybe we can start e-mailing
7 out to the board members --

8 MS. CASEY: Sure. There's no problem with
9 that.

10 We've been -- we have changed it. As I'm
11 sure you-all know, parking is an issue around here. And we
12 changed our location where we're meeting in the Davidson County
13 911 backup site. It's a secured facility. It's very
14 accessible. Plenty of parking. We've basically been the only
15 ones in the building most of the times we've been meeting,
16 although they started having some training classes out there.
17 There's no disruptions. You can get out there and butt heads
18 as much as you need to and talk about things without a problem.

19 Anybody else?

20 CHAIR PORTER: Any other questions for Lynn?

21 And I want to say, you've done a great
22 job. That document, the draft document, when I first --
23 I actually thought that Lynn had wrote that for you all.
24 That's how good it was. I mean, it was -- I found that you-all
25 did extremely good for the first draft.

1 MS. CASEY: Well, I've got to tell you,
2 Mark Grant has done most of the work on that. When we first
3 started meeting, after our first meeting, boom, he had a -- he
4 had this document. And then he and I went back and forth, and
5 the others on the committee had not even seen it. He and I
6 went back and forth and I was trying to make sure that some of
7 the terminology he was using there -- he was using from
8 post-certifications and rules and regs, he's law enforcement,
9 and so he was taking the document from there.

10 Well, what's happened since then, and our
11 research is from these other states that actually have programs
12 in place that we've been real impressed with, he's gone in
13 there and he's started pulling things in from that. And that's
14 what -- the document you saw. And then we worked on -- and
15 we're trying to make sure the wording is things that's going to
16 hold up that won't have loopholes in it and things like that in
17 talking about it. And we also know too, that it's just going
18 to be a document that's a recommendation, it's going to be up
19 to you-all to make decisions on things. But a lot of work on
20 that.

21 And I just thank you-all for the opportunity
22 that you've given me, Randy and the Board, for allowing me to
23 work on this project because it's -- it's important, it's
24 something that's been close to my heart for many years about
25 getting something done. And I'm so appreciative of being

1 involved.

2 CHAIR PORTER: Great, Lynn. Thank you. We
3 appreciate it.

4 MS. CASEY: You're welcome.

5 CHAIR PORTER: Anything else from the Board?
6 Any members of the audience who wish to
7 address the Board?

8 Perry, did you want to address the board?

9 Hearing none. Do we have any other business
10 to come before the Board?

11 MR. LOWRY: I make motion we adjourn.

12 CHAIR PORTER: Do I have a second?

13 MS. SHEFFIELD: Second.

14 CHAIR PORTER: I have a second. Motion and
15 a second that we adjourn. All in favor say "aye."

16 THE BOARD: Aye.

17 CHAIR PORTER: All opposed like sign,
18 The meeting is adjourned.

19 (End of transcript.)

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1 ERRATA PAGE

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20	I, _____,	have read the foregoing	
21	transcript and hereby affix my signature that same is true and		
22	correct, except as noted above.		
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1 REPORTER'S CERTIFICATE

2

3 STATE OF TENNESSEE)
COUNTY OF SUMNER)

4

5 I, Denise Harwood-Stacy, court reporter and
6 notary public in and for the state of tennessee at large,

7 DO HEREBY CERTIFY that the foregoing transcript
8 of the proceedings were taken at the time and place set forth
9 in the caption thereof; that the proceedings were
10 stenographically reported by me in machine shorthand; and the
11 foregoing proceedings constitute a true and correct transcript
12 of said proceedings to the best of my ability.

13 I FURTHER CERTIFY that I am not related to any of
14 the parties named herein, nor their counsel, and have no
15 interest, financial or otherwise, in the outcome or events of
16 these proceedings.

17 IN WITNESS WHEREOF, I have hereunto affixed my
18 official signature and seal of office this the 12th day of
19 April, 2004.

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Denise Harwood-Stacy, Notary Public
23 State of Tennessee at Large

24

25 My Commission Expires: March 3rd, 2007.